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**CRITERIA FOR EVALUATING POTENTIAL
AGREEMENTS OR MEASURES TO
CONTROL ARMS AND PROMOTE
STABILITY**



MARCH 1997

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Preface

It is important when negotiating and implementing non-proliferation, arms control and disarmament (NACD) agreements, including those relating to confidence building measures, to have a clear understanding of the advantages and limitations of the particular measures at issue. To this end, it would be useful to have in mind a set of political, economic and military criteria by which policy makers could assess potential NACD agreements.

During the negotiation phase, such criteria would be advantageous for developing arguments to assist in persuading other countries to sign onto the agreement. Later, such criteria would be useful in explaining complex trade-offs to legislatures and publics during ratification procedures. Finally, these criteria might also be important during the life of an agreement to assist in evaluating agreement implementation, including at periodic review conferences.

A variety of advantages of NACD agreements and appropriate standards for them have been suggested over the years. This report outlines a set of generally-applicable criteria for evaluating potential NACD and related measures. It draws primarily on experience in the multilateral NACD process, but also considers the bilateral (Russia/USA) process and experience in non-traditional NACD areas such as peace operations and humanitarian measures.

This report is being made available to promote discussion and assist officials and researchers in their work, as part of the Department of Foreign Affairs and International Trade's policy to share the results of selected independent research undertaken by the Departmental Verification Research Program. The Department wishes to acknowledge the work performed concerning this report under contract by **Dr. Patricia McFate and Ambassador Sidney Graybeal** of Santa Fe, New Mexico, USA.

The views presented in this report are those of the authors alone and do not necessarily reflect those of the Department of Foreign Affairs and International Trade or of the Government of Canada.

I.

Introduction:The Origin, Purpose, and Scope of the Study

In a period marked by East-West alignments, animosity, and anxiety, the Cold War dialogue on arms control and disarmament was permanent and beneficial. Sometimes interrupted by tragic events, sometimes blocked by political end-runs, the exchange was never completely severed. The dialogue, which included many participants in North America, Europe, and other areas of the globe, resulted in the negotiation, entry into force, and implementation of major arms control and disarmament agreements and measures.

In the late 1980s, few analysts predicted the break-up of the Soviet Union and other events signaling the end of the Cold War, but several well-known policy makers confidently predicted that arms control was in a period of decline, if not on its way to its demise. Happily, the analysts and policy makers were wrong in both cases. The dissolution of the Soviet Union and the attendant reduction in East-West tensions has led to the signing of the CFE, CWC, START-I, START-II, and CTB treaties and the Vienna Documents, among other significant agreements and measures in the Post-Cold War era. Not only were reports of the demise of arms control "greatly exaggerated," but if the concept of control of arms extends--and it does--beyond "traditional" arms control agreements such as the Nuclear Non-Proliferation Treaty (NPT) to confidence-building measures and other measures associated with nonproliferation and conflict management, then arms control remains in good health, as determined by the burgeoning number of actual, proposed, and potential agreements and measures.

Given the number and importance of these nonproliferation, arms control, and disarmament (NACD) agreements and measures--whether under consideration, proposed, in negotiation, signed, or in the process of implementation--policy makers and the educated public might agree that it is important to have a clear understanding of their purposes, advantages, and limitations, so as to be able to judge whether they are in the best interest of a signatory. And yet, while NACD agreements are considered vital to national, regional, and international security, governmental officials who must participate in their preparation and negotiation, or who must confront daily the impact of their country's obligations under their implementation, will not find a full, pragmatic analysis on the subject of evaluating such agreements. There are, of course, articles and books which concentrate on a specific treaty or analyze a particular aspect of bilateral, regional, or international diplomatic relations. There are also political analyses by various individuals, groups, or institutions who bring to the analytical process their own philosophical biases in the process of arguing the advantages or disadvantages of proposed agreements. The purpose of this report is to help fill this gap by providing a generally-applicable set of criteria for evaluating potential arms control agreements or measures.

In this study, the many factors from which evaluative criteria can be derived are examined in order to develop a set of comprehensive criteria; the factors have been based on authoritative judgments and historical examples. The detailed criteria set forth in the form of a check-list in Chapter II are intended for use by arms control specialists. The short list of evaluative criteria

contained in Chapter III is derived from the check-list; it is designed as a gauge by which policy makers and other interested readers can assess potential NACD agreements or measures. Chapter IV considers the relative nature of these criteria, citing examples of how they have been interpreted and applied in different and sometimes conflicting ways from agreement to agreement, and by country to country.

The criteria are not to be taken in the abstract: they must be placed in context. To give one example, the evaluative criterion "military significance" has been used for some years in determining whether it is in the interest of a party to ratify an agreement. However, military significance is situation-dependent: in the U.S.-Russian context, where there are thousands of weapons of mass destruction, a militarily-significant violation might mean a few hundred weapons; in a regional context where there are only a few such weapons, it would be a far lower number. In the former case, it would take a significant shift in the military balance for the bilateral relationship to become destabilizing; in the latter case, a minor change in the number of weapons could become materially significant.

This study is intended to stimulate thought and provide the basis for discussion rather than to provide a definitive list of evaluative criteria or to answer every question regarding the application of every criterion to specific agreements or measures. While the focus of the study is primarily on multilateral agreements and measures, the study also draws appropriate lessons from the experience of bilateral arms control agreements and confidence-building measures and it considers "non-traditional" NACD contexts such as those included in peace operations and those motivated primarily by humanitarian concerns. Thus, the set of evaluative criteria produced takes into account the fact that there are many sources of obligations to control arms, however these obligations may differ in nature and context.

II. The Factors Underlying the Criteria for Evaluating Potential Agreements or Measures

The criteria that a country uses to evaluate an NACD agreement depends on its interests, as defined by its decision makers. Such interests may be fundamental or more ephemeral, that is, more time-sensitive. One problem for policy makers is identifying, defining, and prioritizing these interests. A second problem is amassing evidence and applying criteria based on these interests to specific cases.

In this chapter, interests or factors have been grouped into three broad subject areas: 1) national, regional, and international security policy; 2) verification/monitoring capabilities and limitations; and 3) agreement language, provisions, limitations, and durational considerations.

Within each of the subject areas, there are a number of issues to be considered. These issues have been placed in the form of a check-list of statements and questions for arms control analysts and policy makers who must assess an agreement or measure, whether already in effect or under consideration. All of the following sections are inter-related. Because of that inter-relatedness, some of the questions and comments inevitably overlap.

National, Regional, and International Security Policies

Although an argument could be made that national and international security are distinct entities, in the post-Cold War period, with emphasis increasingly placed on regional and global agreements and measures, this distinction tends to blur. Nevertheless, there may be occasions when, in assessing or negotiating an agreement, it becomes clear that the security benefits and costs for the international community may be different from, and even weigh more heavily, than a country's national security benefits and costs. In such cases, the benefits should be considered separately. In some instances, the benefits to the international community may be persuasive enough to "tilt the balance" in favor of an agreement.¹

It is always necessary to identify the real and potential conflicts among the national, regional, and international security issues, and to decide which factors are more important for each agreement. One over-arching factor may be the degree to which country believes that it is better off with the agreement rather than without it because of the agreement's potential to enhance national, regional, and international security.

¹ It might be argued that certain members of the P-5 took into consideration the concerns of the international community in agreeing to modifications in the CTBT drafts which were not supported by their defense and military personnel.

Foreign Policy, Economic, Military, and Security Factors²

In addition to a potential conflict between national and international security goals, objectives, benefits, and costs, there will be occasions on which there will be real and potential conflicts among the foreign policy, economic, military, and security factors under consideration with reference to an agreement or measure. In evaluating the agreement, policy-makers will need to decide on the relative importance of the various factors.

1. The agreement must be weighed in terms of its consistency with the country's near-term and long-term foreign policy objectives.
 - To what degree is the agreement consistent with these objectives?
 - What are the current and desired relations with individual countries, regional organizations, and international bodies? How does the agreement further these desired relations?
 - Is there public support (or lack thereof) for foreign policy activities and objectives or goals? Will the public understand and support the agreement? More specifically, if the agreement involves peace enforcement or other measures entailing conflict resolution by military force, is the projected level of military casualties compatible with the public's sensitivity to casualties? Are there ways to minimize the casualties which should be incorporated in the agreement?
 - Are there basic inconsistencies among the country's foreign policy objectives which affect the agreement? For example, does the foreign policy objective of nonproliferation conflict with the sale of arms and the transfer of technology? If so, which is the dominant consideration? Is this dominant consideration furthered by the agreement?
 - How do foreign countries, including allies, view or respond to the country's foreign policy activities? What foreign reactions will the agreement elicit?
2. The impact--both real and perceived--of the agreement on the country's domestic economy must be weighed.
 - Will the agreement save money which can be used for other important national interests?
 - What is the impact of the agreement on trade with individual countries, regions, and in the international market?
 - What will be the short-term and long-term economic gains or losses from implementing the agreement?
 - Will the agreement impose unwarranted or heavy burdens upon private companies, such as loss of propriety information, invasion of privacy, or financial costs?

² The questions in this section can be applicable to one or more of these categories.

3. The agreement's positive and negative effects upon the military security of the country and of other countries, including allies and potential adversaries, must be taken into account.
 - Will the agreement have an effect on the industrial base which supports the country's military capability?
 - What will be the likely reaction of defense and military (active and reserve) personnel to the agreement?
4. The agreement's effect on military relations with other countries must be considered in general and more specifically in terms of regional organizations (for example, NATO).
 - How will other countries (allies, neutrals, and adversaries) perceive the effect of the agreement on the country's and their countries' military security?
 - If the agreement imposes certain restraints upon military security, what actions, if any, will be necessary to compensate for any resulting weakening of national security?

International Relations and Institutions

5. While regional and global security are enhanced by multilateral NACD agreements, consensus is not without its costs at the negotiating table, during the ratification process, and in the implementation stage.
 - If the agreement requires a consensus decision in a body such as the Conference on Disarmament, do the modifications in the agreement necessary to achieve this consensus have a negative impact upon the country's national security? What effect does a "lowest common denominator" agreement have upon the country?
 - In the view of the country, does the agreement reflect international norms of behavior? Would other countries hold the same view?
 - Will the agreement result in strengthening or weakening bilateral, regional, or international relations and organizations?
 - Will the agreement require establishment of new organizations or institutions, such as multilateral implementing bodies? In turn, will there be financial burdens associated with their establishment and operation?

Threats, Technologies, and Technological Needs

6. Significant NACD agreements and measures cannot be signed without consideration of the real and perceived threats--military, economic, and security--which will be affected either positively or negatively by the agreement.
 - Will the agreement help constrain the threats?

- Will the agreement remove uncertainties in the threats?
- What will be the impact of advancing technologies on the agreement? Will the technologies increase the threats or provide the means to minimize or negate the threats?
- Will the technologies enhance a country's ability to monitor or verify the agreement? While they may enhance the country's ability to verify the agreement, do they at the same time create verification inequalities with other signatories?
- What will be the impacts of classified versus unclassified technologies on the agreement? Will it be possible, or desirable, to share advanced technologies and their data with other countries?
- Will the agreement pose technological needs beyond the current and future capabilities of the signatories of the agreement?
- Can the agreement contribute to meeting countries' technological needs or removing the requirements for the technologies?

Access to Information Needed To Develop And Implement the Criteria

7. The development of criteria for evaluating arms control agreements or measures requires access to a wide variety of information. Government officials with access to sensitive information must willingly provide the necessary data for developing the criteria even when the data involve sensitive foreign policy goals, plans, tactics, and special access military programs and intelligence collection systems. While this would seem to be axiomatic, it is not the case in all countries that the broadly-defined "intelligence community" is willing to share such information with the countries' diplomats.

- Will the intelligence community provide assessments on the threats, foreign verification capabilities and limitations, and its own collection capabilities and limitations to those developing the criteria?
- Will there be adequate knowledge of other signatories' actual views (in contrast to their public statements) on the agreement?
- Will proprietary information be compromised by the agreement? If so, to what degree?
- Will implementing the agreement compromise the national resources of the country which could be exploited by other countries or private companies?

Domestic Political Factors

8. Recent elections in Russia, India, and the United States have had an impact upon these countries' decisions concerning ratification of certain NACD agreements. The impact of opposition parties' efforts to discredit the agreements should not be under-estimated. Often in an effort to appeal to the public, the opposition argues that an agreement imposes financial burdens upon the country which conflict with the country's obligations in the areas of social welfare, education, or other domestic responsibilities.

- How powerful are the voices of domestic constituencies for national priorities, such as social welfare and education? Can a political faction or party use the agreement in a campaign to discredit the government by arguing against the costs of implementation of the agreement?
- Will the agreement promote or require defense conversion? Is this considered a positive or negative consequence? How strong is the military/defense industrial constituency's reaction to the agreement? Does military resistance to arms control and disarmament need to be overcome?

Humanitarian Motives, including Human Rights

9. In the area of peace operations, humanitarian motives are sometimes coupled with military risks. If the motives and risks associated with the agreement are not compatible, a decision on which takes precedence may be necessary.
 - To what degree will the agreement reduce the suffering, maiming, and death of innocent civilians and military personnel both during and after a conflict?
 - Is there a clear understanding of what constitutes "human rights" among the parties to the agreement? Is there consensus on what actions need to be taken to protect human rights in the territory involved in the agreement?

Relative Strengths and Weaknesses of Parties with or without the Agreement

10. During the Cold War, U.S.-U.S.S.R. agreements were negotiated, signed, and ratified because the two parties, despite their adversarial relationship, believed that the agreements enhanced their relative security positions. Such decisions were at least in part based upon perceptions of weapons and weapon systems parity between the two parties.
 - Will the parties to the agreement consider that it enhances or jeopardizes their relative security positions?
 - Will the agreement force the restructuring of a party's military forces in a manner which is considered detrimental to that party's national security interests or costly to the party's national economy?
 - Will signing the agreement enhance the prestige of the country in the eyes of the international community? What will be the reaction of allies, adversaries, the international community, and international organizations to a country's unwillingness to sign?

Conceptual Considerations

11. Certain long-held tenets of arms control have been the subject of reconsideration in recent years, particularly when applied in a regional, rather than a East-West context.

- Is control of arms always a “good”? In regional “hot spots,” for example, South Asia or the Middle East, is the existence of, or capability to acquire, weapons ever a stabilizing deterrent factor which should be considered in regard to an agreement?
- Can the criterion of “military significance” be applied in judging the scope and nature of an agreement, and in evaluating the importance of a real or potential violation of the agreement? Given that military significance is only loosely and contextually definable, what would be a militarily-significant violation of the agreement? Are “worse case scenarios” dominating evaluation of the agreement?
- What constitutes “adequate” or “effective” verification of the agreement in the eyes of each of the parties? If the parties to the agreement disagree on how to achieve effective verification, what modifications in the verification regime are acceptable?
- Is enhancing transparency always a desirable outcome? Does it contribute to increased stability, or does it generate instabilities by revealing military inequalities which may lead to an arms race or actual hostilities? If a data exchange is included in the agreement, what will be its effect upon the diplomatic and military relations among the parties to the agreement?

Verification/Monitoring Capabilities and Limitations

Approaches to arms control verification--the process in which data are collected, collated, and analyzed in order to make an informed judgment as to whether a party is complying with its obligations--have fluctuated widely from the Cold War period to the present. The advent of NTM led to the pragmatic approach toward monitoring taken by the United States and the Soviet Union during the 1960s and 1970s. Support for highly extensive and intrusive verification means, thought by some major powers to be a necessity in the 1980s, has been tempered by the recognition of the costs of such verification, including security, financial, human resources, and technology costs. In the 1990s, transparency measures, which include voluntary exchanges of information, invitational access to sites and facilities, and cooperative implementation of agreed steps to cut back existing military postures, have significantly increased openness and build confidence. Cooperative monitoring has also proved to be a viable option in many regional and global contexts.

Certain broad verification guidelines can be posited. Verification means should reflect the environment in which it is taking place: in a cooperative environment, verification serves to confirm compliance and resolve ambiguities; in an adversarial or coercive environment, verification's purposes are to deter and to provide for early detection of non-compliance. The degree of intrusiveness, and the possibility of cooperative measures, will differ depending upon the context.

National Capabilities versus Shared Capabilities

12. In the Cold War period, relative equalities in the monitoring capabilities of the United States and the Soviet Union allowed negotiation of bilateral agreements to proceed. During the negotiation of regional and global NACD agreements, however, disparities in national means may become a focus of debate and lead to contention.
- What effect will the parties' different national capabilities have on the agreement?
 - To what degree will a party with advanced capabilities be willing to share either its collection capabilities or the products from its collection systems? Will other parties be willing to accept the products without the ability to understand the collection, data reduction, and processing techniques, or to independently analyze the raw data? If it is necessary to degrade the product to protect "sources and methods," will other parties be willing to accept the degraded product?
 - Does the agreement further cooperative monitoring programs?

Openness versus Protection of Sensitive Information

13. Inasmuch as there will always be a conflict between the desire for increased openness and the need to protect sensitive information sources and methods, an agreement must be able to resolve this conflict in a manner acceptable to all its parties.
- If openness in fact revealed sensitive information, to what degree and in what manner would this information compromise a party's security and be believed and used by other parties?

Access to Data on Other Parties

14. A cooperative measure often associated with NACD agreements and measures is a data or information exchange. Accurate and timely data provided through such exchanges have high-value synergistic benefits when combined with national means.
- How much access to data does the agreement call for, and how and to what parties and/or organizations are the data provided? Are the data to be provided in a mutually-understandable format? Are the scope and level of detail sufficient to provide a baseline for verification?
 - Will national capabilities be able to verify the data provided by other parties?
 - Are data collected during implementation of the agreement shared with all the parties? Are collected data available to other countries which are not parties to the agreement? Does the agreement permit access to data exclusively by an international implementing body which would not share the data with other parties to the agreement?
 - How intrusive is the verification regime and to what degree does it result in

administrative burdens?

Elimination of Weapon Categories versus Limitations on Weapon Systems

15. Inasmuch as it is easier to verify elimination than to verify limitations on weapons, the verification regime associated with an agreement to limit certain weapons frequently has to be more stringent than language associated with an agreement to eliminate the weapons.
 - Is the verification regime associated with the agreement to limit weapons solely reliant on national means? Would confidence-building measures enhance the agreement?
 - Are there opportunities for cooperative monitoring which would enhance the agreement?
 - Do the implementation procedures recognize the timing and cost for limitations or eliminations of the category of weapons?

Costs versus Benefits

16. The benefits of the agreement, such as enhanced transparency, and national, regional, and/or international security and peace, should outweigh the costs of implementing the agreement, for example, loss of sensitive data, personnel, equipment, and organizational costs, and loss of proprietary information.
 - Can the costs of implementing the agreement be accurately determined?
 - Can the benefits of the agreement be quantified?
 - Can the financial and resource costs of verification be shared with other parties?
 - Can a valid net assessment of the costs versus the benefits be made and defended?

Synergistic Benefits

17. Multiple methods of verification provide synergistic benefits, not only to the agreement itself, but to other agreements.
 - To what degree are the methods and measures used to verify the agreement mutually reinforcing?
 - Are there synergistic effects associated with verifying the agreement that could be used to enhance the viability and utility of international organizations?
 - Will the verification regime of other existing and potential agreements be strengthened by this agreement's regime?

Compliance Judgments

18. Compliance with NACD agreements or measures is ultimately, like signing and ratifying such agreements, a matter of political will. While compliance disputes associated with bilateral agreements between the United States and the Soviet Union were often weighed in terms of military significance, in a regional or global context, every instance of deliberate non-compliance (sometimes termed “politically-significant violations”) is a cause for concern and, in the most serious instances, sanctions.
- To what degree does the verification regime of the agreement facilitate the country’s ability to make accurate compliance judgments?
 - How will compliance judgments regarding the agreement be made? How and to whom will they be conveyed? What actions--remedial or punitive--can be taken in the case of non-compliance?
 - What mechanisms are provided for resolution of compliance concerns? Will these concerns remain a private matter between or among the parties to the agreement?
 - How does the past compliance records of other parties affect the willingness of a party to enter into the agreement?

Agreement Language, Provisions, Limitations, and Durational Considerations

All parties to a viable NACD agreement or measure must fully understand and agree upon the items being controlled or limited. Consequently the language and the specificity of the various provisions of the agreement are of critical importance for its implementation and its visibility. Similarly, the duration of the agreement will also affect its implementation and visibility. If the agreement is for a limited time, consideration will need to be given to the possibility that one or more parties might prepare for a breakout or might resume activities detrimental to regional or international security.

The Text of the Agreement or Measure

19. Matching objectives and goals with treaty language is no small matter, as negotiators have often discovered. Flexibility of action may dictate a short text, but such texts may lead to interpretational disputes. On the other hand, lengthy texts do not resolve all questions, as the START-I agreement has already shown.
- Will the limitations be clearly understood and agreed upon by all parties? Will the parties know what is limited, and what is not limited?
 - Are the “definitions” adequate and understood by all parties?
 - Does the agreement make clear what constitutes compliance versus non-compliance with all of its provisions? Are there “constructive ambiguities” in the agreement which will complicate compliance judgments?

Politically-Binding versus Legally-Binding Agreements and Measures

20. Some argue that politically-binding agreements and measures are less authoritative than legally-binding agreements. Others, including the authors of this report, believe that, since NACD agreements are instruments of political will, both types are equally binding. Whatever the case, a party to the agreement must answer certain questions.
- Is the agreement politically-binding, rather than legally-binding? What are the resulting implications for implementing the agreement? Does the country consider a politically-binding agreement to be “the law of the land”? Does the public understand the difference?
 - Are the critical elements of the agreement contained in the legally-binding provisions, or are they only included in the politically-binding statements and language?
 - Should the criteria for evaluating compliance with a politically-binding agreement be less stringent than those criteria for a legally-binding agreement?
 - What would be the implications of non-compliance with a politically-binding agreement versus the implications of non-compliance with a legally-binding agreement? How would these differences affect the implementation and viability of the agreements?

The Nature of the Weapons Subject to Control

21. The text of a verification regime associated with a NACD agreement or measure should reflect the significant differences in verifying different types of weapon systems and different stages in a weapon cycle. For example, ICBMs are easier to identify and count than artillery pieces. Nuclear weapons are much easier to detect and monitor than biological or chemical weapons. Testing and deployment are normally easier stages in a weapon cycle to verify than research, development, and production.
- Does the agreement limit or eliminate a whole category of weapons, or merely types of weapons within a category?
 - Do the parties agree upon a single definition of what constitutes a weapon within that category? Does the agreement adequately handle the “look-alike” problem among weapons?
 - Does the agreement recognize that the research, development, testing, production, and deployment of some weapons are far more visible activities than with other categories of weapons?

Motives Beyond National Security for Signing an Agreement or Measure

22. While national, regional, and international security may be enhanced by agreements

which center around humanitarian and environmental purposes, such agreements raise many philosophical and practical questions which can only be answered on a country-to-country basis.

- Given the costs associated with extensive verification, should a verification regime associated with an agreement or measure alleviating the suffering of foreign civilians be as stringent as the regime for an agreement affecting national security?
- To what degree should national means be employed in the verification of a humanitarian mission? To what degree will sources and methods be compromised? Will technological resources be over-extended? How should the costs associated with the use of national means be weighed against the humanitarian benefits?
- What are the environmental benefits and costs associated with the agreement? Are there also health and safety benefits and costs? Do these conflict? For example, will transporting and eliminating weapons of mass destruction--clearly a benefit to the population and the locale in which the weapons are located--raise public concerns about safety and health, as well as about the potential of environmental disasters?
- What are the economic motives behind the agreement, for example, specialized commercial interests, loss of jobs, and loss of opportunities for arms sales?

The Duration of the Agreement

23. While existing NACD agreements do not preclude the right of parties to withdraw, the political will which has brought the parties to the point of signature and ratification rarely if ever is dissipated to the point of withdrawal. This being the case, durational aspects of the agreement take on added significance.

- Is the agreement for a specified time period, or is it of unlimited duration? If of unlimited duration, does the agreement contain withdrawal provisions? If so, how difficult--politically, militarily, and economically--would they be to implement?
- What effect will the duration of the agreement have upon its provisions and implementation? If of limited duration, might certain parties to the agreement prepare for a break-out by pursuing research and development on programs limited by the agreement? What preparations would the country need to make to counter adversarial break-out capabilities?
- How quickly will the agreement enter into force, and how soon must it be implemented? Is there time to train inspectors and develop a data reporting system?

Implementation and Review Procedures

24. Once negotiated, signed, and ratified, NACD agreements and measures must be implemented, a task which is the ultimate test of the viability of the agreement.
- Do provisions clearly outline implementation and review procedures?
 - What effect will the review procedures have upon the continued viability of the agreement? Do the review procedures permit certain parties to the agreement to undermine the purpose and intent of the treaty?
 - How effective are, or will be, the implementing bodies and mechanisms established by the agreement?
 - Do the implementing procedures specify the number of participating countries which must agree before actions can be taken in response to alleged non-compliance with the agreement? If so, what effect will this have on the viability of the agreement?

The Effects of the Agreement on Other Existing or Potential Follow-On Agreements

25. In arms control, no one agreement can solve all problems for all times; thus a “building block” approach is required.
- To what degree will the agreement complement and support existing agreements, both in its substantive content and in its verification regime? Conversely, will the agreement be in direct or indirect conflict with other agreements?
 - To what degree does the agreement or measure contribute to the building block process? For example, to what degree will a transparency or confidence-building measure enhance the possibility for future arms limitations?
 - Does the agreement contain provisions specifically calling for, or encouraging, additional limitations in the same general area? How time-bound are such provisions?

III.

A List of Evaluative Criteria

The general criteria listed below have been derived from the check-list contained in Chapter II. These criteria could be applied by the country's policy makers during the decision process associated with 1) deciding whether or not to pursue arms control limitations in a certain area, 2) determining the country's negotiation positions, 3) evaluating the final text of the agreement or measure before signature, 4) gaining legislative and public support for bringing the agreement into effect, and 5) assessing the actual implementation of the agreement by the country and other parties. The items are grouped according to the categories utilized in Chapter II.

Ultimately, an agreement which is responsive to the majority, if not all, of the twenty-five items listed above will permit a policy maker to state that the country will be better off with the agreement than without it, that its benefits outweigh its costs.

National, Regional, and International Security

The agreement or measure will serve the overall national, regional, and international security interests of the country for the following reasons.

1. It will be consistent with and promulgates the country's foreign policy goals and objectives.
2. It will have a beneficial impact on the country's domestic economy by conserving financial resources which can be utilized for other national interests. It will not impose un- warranted or heavy burdens upon private industry. It will not negatively impact the development of economic development and/or advanced technologies which are consistent with the country's interest and, at the same time, consistent with the promotion of regional and international security and peace.
3. It will enhance the military security of the country and remove many uncertainties in military force planning.
4. It will be consistent with and support the country's obligations under its military alliances with other countries.
5. It will enhance the viability and utility of regional and international organizations.
6. It will remove uncertainties in, and constrain, the threat.
7. Accurate and timely assessments on the threats, foreign verification capabilities and limitations, and other necessary information to evaluate the agreement will be made available by the intelligence community.

8. The public will understand and support the intent and purpose of the agreement. Thus, it will not require an exorbitant expenditure of political “capital” in order to overcome resistance to it from domestic interest or political groups.
9. The agreement will reduce the suffering, maiming, and death of military personnel and innocent civilians. It will also take into account health, safety, and environmental considerations associated with implementation of its provisions.
10. The parties to the agreement will consider that it enhances their relative security positions and is neither detrimental to their national security interests or costly to their national economy.
11. Certain conceptual beliefs, such as “military significance” and “enhanced transparency” have been judged in the context of the agreement, and not in a free-standing manner.

Verification/Monitoring Capabilities and Limitations

The agreement can be “adequately” and “effectively” verified. The country can accept, and live with the costs, inconveniences, and intrusiveness of the proposed verification regime for the following reasons.

12. Where possible, the agreement will allow for either shared national capabilities or cooperative monitoring measures; these measures will be effective and will not promote a sense of “false security.”
13. The inevitable conflict between openness and the desire to protect sensitive information has been resolved to the satisfaction of each party to the agreement.
14. The data necessary to make informed compliance judgments can be collected. If shared, the data regarding military capabilities will not be used to the detriment of the country’s national security. Implementing the verification regime will not compromise sensitive intelligence sources and methods, or jeopardize proprietary information.
15. The extensiveness of the verification regime reflects the equipment to be limited or eliminated.
16. Verification benefits will outweigh verification costs.
17. The verification regime will allow for verification synergies within the agreement or measure and across other NACD agreements.
18. The agreement is clear on what constitutes compliance versus non-compliance with its provisions. Its forums and mechanisms for resolving compliance ambiguities and

concerns will be effective.

Agreement Language, Provisions, Limitations, and Durational Considerations

While compromises on language, provisions, and limitations are inevitable in the process of negotiating NACD agreements and measures, the agreement will stand the test of time for the following reasons.

19. The text of the agreement or measure, its limitations, and definitions have been clearly specified; they are understood and agreed-upon by all parties.
20. Whether politically-binding or legally-binding, the agreement reflects the political will of the country, and its provisions and limitations will be complied with.
21. The text takes into account the specific weapons or weapon systems to be limited or eliminated. It is specific in its definitions of such weapons or systems.
22. While the motivation for signing the agreement may not be a matter of national or international security--for example, it may be a humanitarian or environmental concern--the provisions of the agreement and its verification regime are appropriate to the task and take into account issues of health and safety.
23. The duration of the agreement is consistent with national security interests.
24. Its review procedures will contribute to the continued viability of the agreement.
25. It will serve as a building block in the arms control process, the goal of which is equivalent or enhanced security at lower levels of armaments. It will do so by complementing other agreements and providing a basis for follow-on agreements.

IV. The Relative Nature of Evaluative Criteria

The evaluative criteria listed in Chapter III are dependent upon the context in which they are applied: they will vary from country to country, and from agreement to agreement, and they may change over time. For example, most policy-makers would concur that the agreement or measure should serve the overall national security interests of the country. However, because the foreign policy, military, political, economic, environmental, and other considerations called for in defining national security interests are matters to be weighed by each country; they are unlikely to be in the same priority ranking for all the parties to an agreement. The importance of these factors will also vary when they are tested against a specific agreement or measure.

In this chapter, some representative instances are briefly cited in which agreements to control arms have elicited support or rejection on the basis of how the evaluative criteria were viewed and applied. It is assumed that the readers are familiar with the substantive contents of each agreement or measure which is discussed; therefore, the chapter will not summarize the agreements, but rather focus on those aspects of them which reflect the application (or lack thereof) of the evaluative criteria listed in Chapter III. Only the most significant criteria will be considered in each case.

Bilateral (U.S. - F.S.U.) Arms Agreements³

Limited Test Ban Treaty (LTBT)

In the early days of the Cold War, the approach to arms control verification differed between the United States and the Soviet Union. The U.S. position was that establishment of "controls"--verification requirements--preceded agreement to limit or reduce forces; the Soviet Union believed that verification regimes should be instituted only after an agreement came into force. The concept of linking trust and verification did not originate in the 1980s: in the period between 1947 and 1955, U.S. proposals for arms control verification methods included data exchanges, on-site inspections, and aerial surveillance. The proposals were consistently rejected by the Soviet Union on grounds of national security.

While efforts to achieve a comprehensive test ban began in the late 1950s, it became clear that effective verification of such a ban was not possible during this period. Consequently, attention was shifted to negotiation of a limited test ban. The LTBT was negotiated and signed by the United States, the United Kingdom, and the Soviet Union because the agreement could be monitored without on-site inspection through the use of NTM, a technology whose advent offered a less intrusive way to monitor agreements. Other parties willingly signed the agreement

³ With the exception of the LTBT, which was negotiated among three countries, the other agreements discussed in this section began as bilateral negotiations or agreements. With the dissolution of the Soviet Union, the ABM Treaty and START-I have become multilateral agreements.

even though their verification capabilities were limited; they believed that the agreement was important to them for environmental and health reasons and that the Soviet Union and the United States would adequately police the agreement.

The LTBT prohibits nuclear weapons tests in the atmosphere, in outer space, and under water. While the parties, for national security reasons, insisted upon the retention of some underground nuclear tests, a common goal of the LTBT was “an end to the contamination of man’s environment by radioactive substances.” This goal was clearly a humanitarian step intended to reduce the suffering of innocent human beings from radioactive fall-out. At the same time, permitting underground nuclear tests allowed the parties to develop advanced technologies consistent with their national security interests.

The ABM Treaty

The ABM Treaty was--and still is--considered to be in the national, economic, and military security interests of its signatories because it has curbed the race in offensive and defensive arms and contributed to crisis stability. The linkage between strategic offensive and defensive arms was recognized, and thus the Treaty became a key element in achieving the limitations in strategic offensive weapons incorporated into the Interim, SALT-II, START-I, and START-II Agreements. The linkage has not broken over time: Russia has specifically linked the implementation of START-I and the ratification of START-II to the continued viability of the ABM Treaty.⁴

Like other agreements negotiated between 1969 and 1980, the Treaty is verified by NTM alone. The Soviets’ unwillingness to consider, much less accept, any on-site inspections on their territory meant that for any agreement to be adequately verified, its provisions would have to be verified by NTM. This reality led to the limitations incorporated in the SALT I and SALT II agreements, namely, the limits on ICBM and SLBM launchers rather than the missiles themselves, and limits on systems and activities whose required flight testing could be detected and identified by NTM.

While the ABM Treaty and its seven Agreed Statements are “legally-binding agreements,” the Common Understandings and Unilateral Statements accompanying the Treaty which were drawn from the negotiating record are not considered to be either legally- or politically-binding agreements. Because of the confusion over the status of the Common Understandings in the ABM Treaty, the Common Understandings contained in the SALT II agreement and subsequent agreements have been included in their agreements as legally-binding obligations.

The ABM Treaty is of unlimited duration, although--like other arms control agreements--

⁴ The Preamble to START-II refers to the ABM Treaty and to the joint U.S.-Russian declaration of 1992 on a Global Protection System.

it provides for withdrawal in the case of activities which jeopardize a party's supreme interests. In order to maintain its viability over the years, it provides for a forum in which the parties may considering Treaty modifications and amendments based on changing threats and advancing technologies. While compliance issues have been resolved in this implementing forum, and clarifications, modifications, and amendments have been successfully negotiated, the Treaty has recently been subjected to criticism by certain U.S. politicians on the grounds that its provisions are not in the national security interests of the country and that they constrain advanced technology. In contrast, the Clinton administration has argued that by permitting a very limited defense which would not affect strategic stability, the Treaty permits the continued development of defensive technologies, thus answering a mutual national security concern, and by prohibiting extensive ballistic missile defenses, the agreement results in the savings of considerable resources in both the strategic defensive and strategic offensive arms areas. Thus, the Treaty's military and economic benefits clearly outweighed its costs. This view remains the position of the current U.S. and Russian presidents.

The debate, which centers around certain proposed ballistic missile defense systems not presently in existence, has been highlighted in the recent presidential campaign in the United States. However it is resolved, of more interest is the fact that in a country, opposing political parties have taken disparate views of two evaluative criteria, national security interest and the development of advanced technology, in arguing over whether a twenty-four-year-old agreement should be maintained and strengthened.

The Interim Agreement and SALT II

The Interim Agreement essentially froze U.S. and USSR ICBM and SLBM launchers for a period of five years; it was to be replaced by an agreement on more complete measures limiting strategic offensive arms. The replacement agreement, known as SALT II, included limitations on heavy bombers and certain cruise missiles, and additional limits on ICBMs and SLBMs.

SALT II included legally-binding Agreed Statements and Common Understandings, as well as a legally-binding Memorandum of Understanding regarding the establishment of a data base and a Joint Statement of Principles and Basic Guidelines for Subsequent Negotiations on the Limitation of Strategic Arms. In addition, General Secretary Brezhnev provided President Carter with an unsigned written statement regarding the Soviet Backfire Bomber. This statement was considered to be a politically-binding agreement essential to carrying out the obligations of SALT-II; in the U.S. view, this politically-binding statement carried the same weight as the legally-binding agreement.

SALT II was signed by Carter and Brezhnev on 18 June 1979, but it was never ratified for reasons which were political and technical of nature. When the U.S. Congress responded in anger to the Soviet invasion of Afghanistan on 27 December 1979, President Carter withdrew the agreement from the ratification process. However, the United States announced that, as long as

the Soviets reciprocated, it would not “undercut” the treaty’s provisions.⁵

While few policy makers or politicians questioned the ability of the U.S. to monitor compliance with SALT I and the ABM Treaty during their ratification testimony, several developments threatened to undermine public faith in these accords. In 1975, for example despite U.S. claims that SALT I blocked the substitution of heavy ICBMs for light ICBMs, the Soviets began to replace their SS-11 ICBMs with the SS-19. U.S. officials maintained that the deployment of SS-19s was inconsistent with the U.S. unilateral interpretation of the Interim Agreement. However Soviet officials argued persuasively that the U.S. interpretation was not legally-binding and that they had remained in technical compliance with the agreement. Nonetheless Soviet deployment of the SS-19s led inevitably to public questions concerning Soviet motives.

Reports of the use of chemical weapons in Southeast Asia, and later in Afghanistan, raised questions about Soviet adherence to the 1925 Geneva Protocol banning the use of chemical weapons, and the outbreak of pulmonary anthrax around a Soviet military facility at Sverdlovsk in 1979 raised doubts concerning Soviet adherence to the Biological Weapons Convention of 1972. Critics of SALT II, and of arms control in general, used these and other examples to bolster their claims that the Soviets did not comply with agreements and that the United States had allowed itself to be taken advantage of in its over-eagerness for arms control agreements.

A heated political debate began concerning SALT II’s verification provisions and the risks of some uncertainties. Carter Administration officials argued that NTM could detect any Soviet cheating before it posed a militarily-significant threat and in time for the United States to respond and offset any such threat. They also pointed to the Treaty’s provision of data on systems to be limited by SALT II as a means of further enhancing transparency and the innovation of counting and type rules to simplify counting and measuring requirements. SALT II critics argued that any agreement in which the United States could not detect behavior inconsistent with the agreement was unverifiable. Implicit in this view was the belief that any act of non-compliance was a politically-significant violation, and was as important as its military significance. The critics also pointed to the verification asymmetry existing between the Soviet Union and the United States based upon the secretive nature of Soviet society in comparison with American relatively open policy: public information concerning U.S. and Western force levels and programs was readily available and usually accurate, whereas the West’s knowledge of Soviet force levels and programs came from intelligence analyses that had to depend heavily on NTM. Finally, the critics argued that the U.S.-Soviet monitoring gap could not be closed by NTM alone, especially since U.S. monitoring posts in Iran had been closed after the Iranian revolution in February 1979. Representing this view in Congress, the Senate Armed Services Committee majority report on SALT II found that many of its provisions were unverifiable.

⁵ The intention to comply with the treaty was rescinded by President Reagan in May 1986.

including those related to telemetry encryption and testing of new types of ICBMs, the backfire bomber, cruise missile ranges, deployment of mobile ICBMs, and the possible conversion of medium-range missiles into long-range missiles.⁶

While the outcome of SALT II was unfortunate, it should be noted that the calls for a tougher approach to the evaluative criterion of adequate verification led over time to the negotiation of bilateral agreements incorporating on-site inspection, and the mutual acceptance of OSIs permitted the negotiation of more extensive and complex arms control agreements.

START-I and START-II

The START agreements are probably the most complex arms control agreements negotiated to date. The entire START-I document comprises the treaty itself; agreed, joint, and other statements; a definitions annex; six protocols; an extensive data base; related agreements; letters and correspondence; and declarations, totaling 280 pages. This reflects a trend in arms control agreements negotiated in the 1980s which is also seen in the INF Treaty and the CFE Treaty: greater specificity of language is stressed in order to avoid ambiguities or misinterpretations; also there is greatly increased emphasis on verification through the use of inspections, data exchanges, and notifications. Of the 280 pages in START-I, approximately 200 are devoted to verification considerations. The verification regime builds upon the precedents of the INF and CFE Treaties by combining the use of NTM, extensive notifications and data exchanges, and on-site inspections, including continuous monitoring of some facilities in the United States and the former Soviet Union.

When fully implemented, START-I will result in significant reductions in the strategic offensive forces of the U.S. and the F.S.U. These reductions, and their associated verification measures, will enhance strategic stability, remove many uncertainties in the threat, and permit significant economic and other resource savings.

The agreement will remain in force for fifteen years unless superseded earlier by a subsequent agreement. However, one year before its expiration, the Parties will meet to consider whether its expiration date should be extended, a useful provision which recognizes that over the duration of the agreement, matters may have arisen which would make its extension in their mutual interest.

The parties to the agreement have expressed their belief that it can be effectively verified and that it provides an implementing forum which will permit resolution of compliance issues. However, during the U.S. ratification process involving both agreements, numerous monitoring and verification issues were raised which recalled the SALT-II debate. The past Soviet arms

⁶ Military Implications of the SALT II Treaty Relation to the National Defense. Report of the Hearings on the Military Aspects and Implications of the proposed SALT II Treaty. Washington, DC, U.S. Government Printing Office, 1980.

control compliance record was once again reviewed. An argument was raised that concerns over Soviet non-compliance and other questionable activities were compounded by the collapse of the Soviet Union and questions about successor-states' ability to comply with obligations. In addition, concern was expressed over the requirement that limited and expensive NTM assets would be given multiple tasks: strategic warning, global trouble spots, and arms control tasks. The extensive START OSI regime, added to those of INF and CFE, raised questions about the cost and manpower requirements of OSI, as well as ongoing counter-intelligence concerns. Finally, some concern focused on two broad areas, the possibility of breakout from treaty limits via some covert storage of missiles and warheads, and the viability and thoroughness of the OSI regime. Nevertheless the Senate approved ratification of START-I and START-II.

During the START-I ratification process in Russia, the presidents of Russia and the United States signed a framework agreement on even more radical cuts in strategic forces, which were later embodied in the START-II treaty. The Russian deputies' attention and criticism shifted from START-I to the newer agreement and, as a result, the START-I treaty had a relatively easy passage through the Russian parliament. A resolution issued in connection with the ratification stipulated conditions for its entry into force and implementation, including adherence by Belarus, Kazakhstan, and Ukraine to the NPT.

Russian legislators have raised four principal concerns in their ratification debate over START-II: the integrity of the ABM Treaty and the question of theater missile defense demarcation; the impact of NATO enlargement on Russian security; the difficulties of deploying strategic forces at START-II levels, which have led to pressures for talks on START-III; and specific treaty provisions deemed disadvantageous to Russia for financial or other reasons, which have triggered demands for modification of the treaty's terms. The treaty has been a target of sharp Russian criticism on the evaluative criteria of national strategic, economic, and technical interests. Alexei Arbatov has argued that the agreement, "which is balanced heavily in favor of the United States," could be made more acceptable for ratification and implementation if: 1) the START-II reduction and elimination schedule was extended three to five years, and 2) the ABM linkage was more clearly recognized by, *inter alia*, the initiation of confidence-building measures associated with the two countries' theater missile defense programs, a program of technological cooperation on such systems, and a negotiated Treaty revision (actually a return to the Treaty's initial provision) to permit two ABM missile deployment sites on the national territories.⁸

The START-II agreement, if ratified by the Russian Duma and fully implemented by both parties, will substantially improve national and international security. The new pact will bring about deep reductions in strategic nuclear forces; improve the stability of the strategic nuclear

⁷ In considering the INF Treaty, the U.S. Senate Intelligence Committee had flagged the need for long-term investments in NTM modernization.

⁸ "Eurasia Letter: A Russian-U.S. Security Agenda," *Foreign Policy*, Fall 1996, pp. 108-111.

balance; demonstrate that the parties are fulfilling their obligation under Article VI of the NPT to pursue negotiations in good faith on ending the arms race⁹; enhance predictability and openness; and--from a U.S. perspective--provide a hedge against unwelcome political changes in Russia.

Representatives of the U.S. Department of Defense and the Congress have been in Moscow seeking to encourage ratification of START-II. National Security Council official Dr. Robert Bell has argued that ratification of START-II will have economic benefits for Russia because they could "point their modernization program at a lower aggregate ceiling. . . . In the long run, the treaty is going to save money."¹⁰

Multilateral Agreements

The NPT

The fundamental inequity associated with the NPT--the distinction between the nuclear weapons states (NWS) and the non-nuclear weapons states (NNWS)--illustrates the relative nature of a key evaluative criterion, the national security of the country. Throughout the years of the NPT's existence, the NWS, for reasons of national security, have not eliminated their nuclear weapons. However outraged or disappointed by this unwillingness, the vast majority of the NNWS, for reasons of national security, have acceded to their status as well as to the Treaty. While the 1995 Review Conference almost floundered over efforts of certain NNWS to insist that the NWS provide a timetable for complete and general disarmament, ultimately the NPT parties agreed to disagree on whether or not the possession of nuclear weapons enhances or jeopardizes national security in the near and medium term.

The "bargain" between the NWS and the NNWS inherent in the Treaty--an effort to balance political reality with an economic benefit--is contained in Article IV: the "inalienable right" of parties to research, produce, and use nuclear energy for peaceful purposes."¹¹ The

⁹ Post START-I and START-II reductions down to 1,000 to 1,500 weapons are being discussed in various fora in and outside the governments of the United States and Russia.

¹⁰ Quoted in "Washington Outlook," Aviation Week & Space Technology, 21 October 1996, p. 19.

¹¹ Ironically, the predictions of the 1960s were not borne out: instead of approximately forty or more developing countries utilizing nuclear power, the number is approximately fourteen. While not all of the countries commonly counted in this category have programs making a significant contribution to public energy, and some programs appear to have come to a halt, the generally-agreed upon list includes: Argentina, Brazil, China, Cuba, the DPRK, India, Iran, Iraq,

principal mechanism for implementing the obligation to provide assistance to NNWS, particularly developing countries, in the area of nuclear energy is undertaken by the International Atomic Energy Agency (IAEA). The bargain allows undeveloped countries access to nuclear technology, for purposes of economic benefit and other benign purposes. Developed countries, because of national security concerns, specifically the spread of nuclear weapons, were willing to make this technology available if the end-use, that is, peaceful purposes, was supervised by the IAEA. In essence, a technology management regime was put into place.

While some lesser developed countries (LDCs) might see a military advantage in the acquisition of nuclear weapons, for most LDCs, the economic benefits of the NPT far-outweigh potential national security benefits. The NPT is an example of an agreement in which different interests, and hence different criteria, were applied by the parties to the agreement. In general, this is a desirable outcome; however, it can be argued that in certain cases, the LDCs have not sufficiently thought out what constitutes national security benefits for their countries.

A bureaucratic complication associated with the NPT developed when it was agreed that states did not need to accede to the Treaty in order to obtain the benefits of technology transfer and assistance; rather, the states could subscribe separately to the IAEA. As Terence Taylor has noted, this separation of membership in IAEA from membership in the NPT "detracts from the treaty's economic incentives, from which much political support is derived."¹²

When the task of verifying the obligations under Article III of the NPT was added to the existing responsibilities of the IAEA, additional complications arose. Verification of compliance with the NPT became the responsibility of the IAEA and its Board of Governors, rather than the parties to the Treaty. Thus states who became members of the IAEA, but not members of the NPT included India and Pakistan, threshold nuclear states, who have the potential to receive technical assistance without the necessity of declaring and resolving their nuclear weapons status.¹³

The past focus of the IAEA safeguards agreement on the monitoring--accounting, containment, and surveillance--of "source or special fissionable material" in facilities declared by the states to the IAEA in their bilateral agreements with the Agency raised the complication of a situation in which a IAEA Member State could conduct non-compliant activities in undeclared facilities, a problem encountered by the IAEA in its experiences in Iraq and North Korea

Mexico, Pakistan, South Africa, South Korea, Syria, and Taiwan.

¹² "Escaping the Prison of the Past: Rethinking Arms Control and Nonproliferation Measures." Center for International Security and Arms Control, Stanford University, April 1996, p. 10.

¹³ Brazil and Cuba, while remaining outside the NPT, have accepted stringent non-proliferation obligations under the Treaty of Tlatelolco.

(DPRK).¹⁴ The IAEA safeguards program has been strengthened to some extent as a result of the Agency's "93+2" program; among other improvements, Director Hans Blix has announced that inspectors will be given greater access to data from the Member States which have signed the agreements.

The circumstances surrounding the Iraq and DPRK situations and the manner in which the international community has dealt with these two cases have been, of course, strikingly different. Following the Gulf War, the Director General of IAEA was entrusted with the task of eliminating Iraq's nuclear-weapons program. This operation was unique in that it was the first and only commission which was set up by the United Nations for the implementation of disarmament and inspection procedures by the IAEA and the United Nations Special Commission (UNSCOM) in a single Member State, pursuant to a Security Council resolution, adopted under Chapter VII of the Charter.¹⁵ It was also the first time that IAEA was given a mandate by the Security Council going beyond the Agency's safeguards agreements with Member States.¹⁶ The mandate, of course, derived from two sources: a cease-fire arrangement imposed on the losing side in a war and the act of militarily-significant non-compliance with an obligation undertaken by the party to an arms control treaty.

Following two years of activity on the part of IAEA in which its attempts to verify the initial report of the DPRK, following the entry-into-force of a comprehensive Safeguards Agreement, proved unsuccessful, the United States and the DPRK signed an "Agreed Framework" consisting of a number of actions for overall resolution of the nuclear issue on the Korean peninsula. In the agreement which was signed on 21 October 1994, the DPRK committed itself, *inter alia*, to remain a party to the NPT, freeze its graphite-moderated reactors program, and allow a gradual process leading ultimately to full implementation of its IAEA Safeguards

¹⁴ The Iraq and the DPRK situations demonstrated two serious flaws in the IAEA process: focusing inspections only on declared facilities permitted Iraq to conduct clandestine activities prohibited by the NPT, and assuming that the DPRK, a member state of both the IAEA and the NPT, would consent to a Special Inspection at short notice was, unfortunately, not correct.

¹⁵ The United Nations Special Commission (UNSCOM) was set up to implement the provisions of Security Council resolution 687 (1991) of 3 April 1991 concerning chemical and biological weapons and missiles and to provide assistance and cooperation to IAEA in the nuclear area.

¹⁶ Further details on this subject may be found in "Verification in All Its Aspects, Including the Role of the United Nations in the Field of Verification." U.N. Document 1/50/377 dated 22 September 1995, pp. 58-60.

Agreement.¹⁷

The Agreed Framework has raised once again age-old diplomatic questions: 1) is it in the national and international security interest of a country, or a set of like-minded countries, to strike a diplomatic bargain in which a country is rewarded with some sort of economic benefit (for example, internationally financed and constructed light water reactors), in return for an action which enhances regional and international security (namely, a promise to freeze a clandestine nuclear program which it should not have developed in the first place)? 2) will the short-term regional and international security benefits be reversed in the long-term?

It can be argued that the IAEA was effective in this case because, by signaling the international community that it was unable to confirm compliance, its actions led to the decision of one of its Member States to reach an agreement with another Member State which lowered the risk of a regional crisis. On the other hand, critics of the Agreed Framework have dismissed it as providing extraordinary concessions to a presumed offender. Some have also suggested that the Framework creates an incentive for other countries to develop clandestine programs if only to seek a bribe for their discontinuance.

As a result of the agreement, the North Korean nuclear program is frozen and that freeze is being closely monitored by the IAEA. Existing spent nuclear fuel is being stored under IAEA safeguards and will eventually be removed. And there has been no war on the Korean peninsula. Whether the agreement will ultimately be successful in resolving the underlying threat remains to be seen. What can be said is that, in the DPRK case, IAEA verification of the NPT worked, and it continues to work: in its Safeguards Implementation Report for 1995 dated 9 May 1996, the IAEA reported that the Agency “is still unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People’s Republic of Korea (DPRK) and is therefore still unable to conclude that there has been no diversion of nuclear material in the DPRK.”

The Conventional Armed Forces in Europe (CFE) Treaty

The CFE is an illustration of an agreement which has accommodated to extraordinary geo-political events in the short period of its existence. Designed to bring the NATO-Warsaw Treaty Organization (WTO) conventional arms balance into quantitative parity, the Treaty, by the time that it entered into force in 1992, had accommodated itself to the break-up of both the WTO and the Soviet Union; it had provided a framework to facilitate the distribution of the enormous weapons holdings of the FSU among eight newly independent former republics; and it had accepted an increase in its membership from 22 to 30 countries.

In quantitative terms, the Treaty is an immense success: over 160,000 Soviet pieces of

¹⁷ The Korean Peninsula Energy Development Organization, also created under the United States-DPRK agreement, is discussed below.

equipment deployed west of the Ural Mountains in 1988 has been reduced to slightly more than 25,000 pieces of treaty-limited equipment. The Treaty has also been instrumental in bringing about the destruction of some 50,000 items of military equipment in Europe, most of it from the forces of the former WTO. In terms of regional and international security, the Treaty has also been a success.

The inspections and verification procedures mandated by the Treaty have been crucial to building confidence and stability in Europe. The Treaty's provision for a permanent system of OSIs of military units throughout Europe has institutionalized a climate of military openness which has contributed to increased transparency of political relations. Many regard the Treaty as a cornerstone of European security.

Implementation of the CFE has demonstrated the beneficial effects of cooperation among participating countries in scheduling inspections and in combining the results of monitoring activities. Such procedures had to evolve in an ad hoc fashion because they were not written into the Treaty itself. All parties have been allowed access to NATO's database, known as VERITY, which includes all inspection reports. This has not only helped reduce verification costs but has allowed all parties access to a common database for the assessment of Treaty implementation.

On 1 June 1996, agreement was reached by the CFE parties resolving a flank problem which had caused Russia to be in violation of the Treaty because of its inability to make required arms cuts by the deadline of 17 November 1995. Russia agreed to freeze the number of its forces currently deployed on its European borders and to meet its obligations under the CFE related to reductions in equipment in certain areas called "flank zones" by 31 May 1999. The agreement consisted of four parts: a map realignment, which reduced the area of the original CFE flank zone; new constraints that limit the amount of equipment Russia and Ukraine can deploy in the areas of both countries being removed from the original flank zone; increased inspection requirements in these areas; and increased notification concerning the equipment in these areas.

The remarkable aspect of the flank agreement was that it was made without amendment to the Treaty. This resolution was, in the words of the Turkish Foreign Ministry proof that "issues concerning European security can be resolved by means of joint decisions to be reached by all the relevant countries, rather than through unilateral moves."¹⁸ Thus, the flank agreement illustrates the need for effective forums and mechanisms for resolving compliance issues. In addition, the agreement underlines the importance of the criterion of national security: the agreement enhanced Russia's national security by removing uncertainties in its military force planning; at the same time, it resolved the regional security concerns of Turkey, Norway, and the Baltic states. Treaty parties who had been concerned that a buildup of Russian forces in the north and south would put their own security at risk.

¹⁸ Quoted by Dr. Robert Bell, Special Assistant to the President and Senior Director for Defense Policy and Arms Control of the U.S. National Security Council, in a press briefing dated 3 June 1996.

The Chemical Weapons Convention (CWC)

Unlike the international nuclear energy industry, which is principally a government-owned or sponsored activity, the international chemical industry is predominantly private and has a far greater geographic scope, scale of operation, and potential for profit (or loss). That being the case, the involvement of industry in the public debate over implementation of the CWC, and the interjection of political biases regarding government regulation of private industry into the debate, has marked the negotiation and ratification process in highly-developed countries as distinctly different than that observed in earlier agreements. Questions concerning the economic impact of the convention have been raised, for example, the costs involved in stand-downs of production lines during inspections, the potential for loss of proprietary information when foreign inspectors enter the plants, and the fines which could result from failure to comply with CWC regulations. Chemical manufacturers, on the other hand, have raised the issue of economic costs associated with not ratifying the CWC, namely the trade problems companies would face in their business relationships with countries ratifying the convention.

The impact of the CWC in the economic field can be highly significant for countries which do not choose to become Parties to the convention. They will be subjected to trade restrictions in the chemical field, including the inability to obtain many of the chemicals and they will not be able to obtain much of the technology required to support the development of domestic chemistry-related industries, such as processing of raw materials from natural resources, treatment of foodstuffs to provide better nutrients, production of insecticides and other pesticides for agriculture, and petroleum refining.

Economic considerations regarding the CWC extend beyond its potential impact upon private industry and upon international trade. In Russia, the government's concerns include the costs associated with the dismantlement and elimination of the extensive stockpile of chemical weapons it inherited upon the dissolution of the Soviet Union, and concerns regarding public safety during the dismantlement process.¹⁹ These costs include the reconstruction, conversion, or elimination of existing CW production facilities; elimination of large quantities of stockpiled weapons; development of technologies for such elimination; provision for the safety of the destruction operations; construction of a system of facilities for eliminating residual toxic substances, as well as auxiliary facilities, such as burial sites for solid waste; and provision of social and economic measures, for example, the development of the infrastructure for districts in which the destruction facilities are located.

The military in developed countries generally agree that chemical weapons are not useful offensive weapons against troops as long as they are equipped with defenses, and these weapons are reprehensive when used on civilian populations. For that reason, there was little outcry in the United States when the Bush Administration ordered a unilateral elimination of all but a tiny

¹⁹ The Russian stockpile of poison gases is estimated to be approximately 40,000 tons; the American arsenal, presently undergoing destruction, is 31,000 tons.

fraction of the U.S. stockpile in advance of ratification of the convention. Many military and defense personnel argue that it is not cost-effective for other powers to attack major military powers with chemical weapons because very limited damage will be inflicted in comparison to what could be achieved by the use of conventional weapons. Hence, these weapons have no military significance. What this belief does not take into account is the political significance of chemical weapons. The reaction of the Israeli population during the Gulf War to an attack by Iraqi SCUDS potentially armed with chemical weapons illustrates the point that chemical weapons can be used as weapons of terror against civilians. Thus, the evaluative criterion calling for protection of civilians from the effects of conflict might well be rejected in certain states where military ambitions supersede human values.

In small states, chemical weapons have been used in military conflicts; more often than not, the small state which lacks protection against chemical weapons is the most likely target for a chemical attack. In this case, even limited use of chemical weapons can have militarily significant consequences, at least if no protective equipment and protective measures can rapidly be made available from other states. Chemical weapons can even have military effects without actually being used. If unprotected troops believe that they are going to be subjected to chemical attacks, they might prefer to retreat or even flee rather than risk facing the chemical weapons against which they have no protection. In these circumstances, it may well be that some developing countries will be reluctant to sign, ratify, and implement the CWC on the grounds that in their view, it deters their use of a military option.²⁰

During recent U.S. Congressional hearings prior to a vote on ratification, questions were raised concerning the economic impact of the convention, its verifiability, the Russian track record on compliance with arms accords, and the consequences of non-compliance by parties or non-parties to the agreement. Last-minute intervention by Republican U.S. presidential candidate Bob Dole has led to Senate postponement of action on the CWC until 1997. In a letter to the Senate majority leader, Dole said that the CWC must be "effectively verifiable and genuinely global." Republican Senator Jon Kyl offered what he described as an amendment to the resolution to ratify the CWC which would have required the director of the Central Intelligence Agency to certify that compliance with the agreement could be "monitored with high confidence," and that would delay ratification until Iran, Libya, North Korea, and Syria had ratified the convention. This incident demonstrates how an opposition political party can use evaluative criteria--effective verification and national security-- to hold an agreement hostage.²¹

²⁰ Some analysts have termed chemical weapons "the poor man's" alternative to nuclear capabilities.

²¹ Calling the ratification a "partisan issue rather than a national security issue," President Clinton requested that consideration of the agreement be withdrawn. A two-thirds Senate majority is required for approval. Defeat of the CWC would have been the first time in U.S. history that an arms control treaty presented to the Senate was not approved.

The Comprehensive Test Ban Treaty

Unlike the achievement of the 1995 NPT Review Conference--the Treaty's indefinite extension on the basis of consensus and without a vote--the CTBT, the only multilateral nuclear disarmament measure, has been buffeted by country concerns which, until recently, seemed to be irreconcilable within the end-of-the-year deadline set by the five declared nuclear powers. One issue, the debate over what conditions would have to be met before the treaty would become legally binding, pitted Russia, the United Kingdom, and China against the United States, whose flexibility with regard to the threshold states was shared by countries which wanted to ensure that the agreement would become binding as soon as possible.

While the CD was unable to achieve a consensus vote, adroit maneuvering in the U.N. General Assembly by Australia and a number of like-minded countries led to a remarkable 158-3 vote to put the pact on the table for the signature of individual countries.²² India, which blocked the CTBT's adoption in Geneva, continues to vow that it will prevent the treaty from becoming law. However, many argue that every nation which signs the treaty would be obliged to abide by its provisions, whether or not it was law.²³

Most of the arguments raised concerning the CTBT have centered on its scope; verification; entry-into-force provisions; and "linkage" with the NPT.²⁴ Over the past two years, definitional issues associated with the scope of the proposed agreement have plagued negotiations in the CD, namely, the differences among the negotiators as to what constitutes a nuclear weapons test or explosion, what is its relationship to the release of energy, what is meant by "comprehensive," and whether non-military "peaceful nuclear explosions" are permissible. These arguments have underlined the importance of the evaluative criterion of agreed-upon definitions in any proposed or potential agreement or measure.

During the negotiations, there were significant differences over verification, primarily the degree of intrusion allowable, the procedure for OSIs, and whether the use of information derived

²² Voting against the treaty were India, Libya, and Bhutan; Cuba, Lebanon, Mauritius, Syria, and Tanzania abstained; 19 countries were absent or barred from voting because they have not paid U.N. assessments.

²³ Under customary international law, as codified in the Vienna Convention on the Law of Treaties, a signatory is obliged, pending ratification, to refrain from any action that would defeat its object and purpose. This law might be extended to argue that there is no difference between obligations to comply with politically-binding and those which are part of legally-binding agreements.

²⁴ An extensive analysis of the disputes associated with the CTBT negotiations is provided by Praful Bidwai and Achin Vanaik in Testing Times: The Global Stake in a Nuclear Test Ban. Dag Hammarskjöld Foundation, 1996.

from national technical means (NTM) should be used to demand inspections. China, Israel, and Pakistan pushed for inspections to be kept to a minimum, with no opportunity to use them as a pretext for spying or harassment, and they wanted to exclude nationally-gathered information altogether. India and Russia supported the incorporation of NTM provided that human intelligence and espionage were prohibited. Some countries, especially among the non-aligned, feared that the U.S. superiority in intelligence technology would be used to harass American enemies and cover for friends, and that no government had comparable resources to ensure that the United States would not cheat. Not surprisingly, these quarrels were reminiscent of the NPT debates because they once again raised the issue of “haves” versus “have-nots.” In this case it was the “verification haves”--Russia and several Western countries--who argued for the inclusion of NTM.

The issue which blocked consensus, and led to a veto in the CD, was the insistence by India that the pact be linked to a “time-bound” nuclear disarmament, a position which won little support at the CD.²⁵ The fact that India--which first proposed a ban on nuclear weapons testing in 1954 and which has traditionally presented itself as an anti-nuclear state--now blocks adoption of the CTBT has been the subject of much speculation. In raising its objections to the Treaty, many believe that India, acting out of national security interests and national pride, was unwilling to close off its nuclear option because looking at China, its one-time adversary, it viewed nuclear capability as a “equalizer” and a pathway to great power status. It is true that the debate over the CTBT raised the issue of nuclear “haves” and “have-nots.” This political reality, based on the national security interests of the declared and threshold nuclear states, could not be resolved by consensus in the CD, since it is a matter of the political will of each country concerned. However, at least one South Asian expert has suggested that India’s intransigence might have been resolved if United States had offered “a sweetener of any sort, as it did, for example with North Korea.”²⁶ Whether or not the sweetener would have to be membership on the U.N. Security Council--as some have suggested--it is unlikely that this hypothesis will be tested, given the likely negative international reactions to it. It is possible that India will revert to its previous position of support for the treaty. Changing course will depend on how the treaty is perceived internally, and the external international view that the majority of powers want the CTBT in place.

²⁵ India also asserted that its inclusion on the list of countries that must ratify first left it open to international retaliation if it refused. While the U.S. Secretary of State declared in writing that the United States would not support sanctions against Indian for refusing to sign the accord, the Indian Ambassador to the CD replied that this promise did not carry the force of an internationally-binding agreement.

²⁶ Stephen P. Cohen, quoted in an article by Barbara Crossette. “India Vetoes Pact To Forbid Testing of Nuclear Arms,” The New York Times, 21 August 1996.

Politically-Binding Agreements, Reciprocal Actions, Unilateral
Declarations, and Other Non-Traditional Arms Control Initiatives

The Vienna Documents

The confidence- and security-building measures (CSBMs) contained in the Vienna Documents reflect agreed-upon efforts to promote the growth of confidence among the participating States with respect to each other's military intentions. The CSBMs permit verification by participating countries, involving on-site inspections; aircraft overflights are also permitted, although none have been employed to date. The unprecedented sharing of information about military structures and activities, including verification and evaluation, and the substantive exchanges by experts on technical issues related to CSBMs and their implementation, have played an important role in helping to ensure stability in Europe. In addition, the growth of bilateral measures and sub-regional and regional arrangements associated with confidence- and security-building has been a positive result.

Compliance with the Vienna Documents has been good and has displayed an impressive degree of transparency and openness. However, at the most recent Annual Implementation Assessment Meeting, there were reports of the failure of some participating States to transmit required military or defense-planning information on time or at all; concerns about the small number of states who actively participate in verification; objections to the "Cold War" thinking behind the selection of states in which verification is conducted; and "moderate" cases of non-compliance.

The Vienna Documents are politically-binding agreements. Discussion of compliance with their CSBMs raises a question of whether there are inherent differences between politically-binding and legally-binding agreements and measures. Some argue, for example, that non-compliance with politically-binding agreements is a different matter than non-compliance with a legally-binding agreement because they believe it is more difficult to enforce compliance. However, all agreements or measures to control arms and promote stability are exercises in political will, whether they are legally-binding treaties, politically-binding documents, unilateral declarations, or reciprocal actions. They are undertaken because, in the view of the parties concerned, national and international security is enhanced through participation in these agreements. No matter what form they take, they can result in compliance, non-compliance, ambiguous actions in need of resolution, or withdrawal. If the political will exists, if the norms inherent in the agreement or measure are shared, the differences in form need not be important to the NACD process.²⁷

²⁷ Politically-binding agreements may be easier to reach because no ratification by the parties' legislatures is involved.

The Cooperative Threat Reduction Program

In the fall of 1991, conditions in the disintegrating Soviet Union posed a clear threat to nuclear safety and stability globally. An estimated 30,000 nuclear weapons were spread among the former Soviet republics. About 3,200 strategic nuclear warheads were located outside of Russia on the territories of Belarus, Kazakhstan, and Ukraine. Political, social, and economic upheaval heightened the prospects that the former Soviet republics would not be able to provide for safe and secure storage or disposition of these nuclear weapons or other weapons of mass destruction. These conditions also caused concerns that former Soviet scientists and engineers would export their expertise or services to countries wishing to acquire nuclear weapons.

To complicate matters further, Russian willingness to implement arms control agreements and measures to which it had become the principal party was impacted by economic troubles which made implementation costly, reductions in weapons slow, and re-direction of strategic forces burdensome. The Russian defense establishment provided little support to efforts to reduce the stockpile of weapons inherited at the time of the dissolution of the Soviet Union. The concept of revealing the location of facilities, the quantities of weapons, and the weapons capabilities was resisted by the FSU military, political hard-liners, and the defense-industrial complex.

In response to these circumstances and their associated threats, the U.S. Congress initiated the Cooperative Threat Reduction (CTR) program in November 1991. Often referred to as the Nunn-Lugar program after the two Senators who spearheaded the effort, this initiative provided the Department of Defense with the authority and funding to assist the eligible states of the former Soviet Union in weapons dismantlement and destruction, strengthening the security of nuclear warheads and fissile materials in connection with warhead dismantlement (chain of custody activities), and demilitarization of the new independent states (NIS) infrastructure. The assistance comes in the form of equipment, services, and technical advice.

The arguments made in the Congress for continued funding of the program center around national security, international security, and economic factors. The program is helping to prevent the emergence of new threats as the new independent states continue to deal with the uncertainties and instabilities of post-Soviet sovereignty independence. The dollars spent on the CTR program are of a significantly smaller scale than those spent during the Cold War to deter and defend against the Soviet Union's weapons of mass destruction. And the program increases transparency of the Russian nuclear weapons programs.

While the program got off to a slow start, mainly as a result of the time it took to obtain agreements for cooperation with the NIS and the difficult task of getting the recipient governments to specify technical requirements sufficiently clearly to solicit goods and services from U.S. businesses, it has often been described in business terms as "win-win-win": CTR projects reduce the threat; they help the NIS build peaceful, commercially viable market economics, while reducing excess military capacity; and they provide opportunities for U.S.

industry to enter into potentially large markets for civilian goods and services. Members of Congress have generally supported the CTR program; indeed, the concept of payment for reduction of threat and weapons capability may be one reason why the bilateral arrangement between the DPRK and the United States has not been subject to Congressional calls for its abrogation.

The Cooperative Measures Program

The Cooperative Measures Program, which includes the CTR, is a program of interaction with the nuclear weapons infrastructures in Russia, other republics of the former Soviet Union, and China. With the exception of the CTR funding, which is managed by the Department of Defense, it is funded through the Department of Energy (DOE). The DOE programs have emphasized nuclear warhead and fissile materials safety and security; control of nuclear warhead technology and materials; dismantlement and disposal technologies; technical dialogue between U.S. labs and FSU institutes; and industrial partnering, with an emphasis on conversion of FSU nuclear weapon institutes to commercial enterprises.

The objectives of the Cooperative Measures Program might well be also thought of as the evaluative criteria by which the program could be judged. They are to: prevent the transfer of nuclear weapons, materials, and expertise to proliferant nations; promote openness and transparency; foster cooperative approaches to solving common problems in reducing the danger of nuclear weapons; reduce activities in the FSU which threaten national and international security; promote defense conversion; and gain access to high quality science, technology, and test facilities.

It has recently been announced by the Department of Energy that the United States will provide \$1 million for a new trilateral initiative to verify that fissile materials once produced for its and Russian nuclear arsenals are not reused to produce new nuclear weapons; the IAEA is the third party to the agreement. In addition, Russia and the United States have signed a cooperative agreement in which scientists and engineers from Russian nuclear institutes will work with Sandia National Laboratories and the Department of Energy's Albuquerque Operations Office to administer the Russian American Fuel Cell Consortium (RAFCO). RAFCO capitalizes on both countries' research programs on fuel cells which take energy released by catalytic oxidation of a fuel and convert it directly into electricity. With high-energy efficiency and nearly zero emissions, fuel cells are attractive for remote power needs. RAFCO supports expertise in each country, accelerating development of these fuel cells for emerging markets.

Russian scientists and engineers have responded with enthusiasm to the initiatives taken by their U.S. counterparts. Involving the Russian laboratories in cooperative projects permits Russian nuclear weapons experts to further their country's nonproliferation goals, thus enhancing national security; at the same time, the scientists and engineers are working on projects that help the Russian domestic economy by moving its technologies into commercial areas, such as projects in energy, the environment, biotechnology, and nuclear reactor safety.

Based on the success of the DOE Lab-to-Lab program in the FSU, DOE has been asked to establish lab-to-lab contacts with China.²⁸ This new program seeks to build mutual responsibility, respect, and trust between the United States and China; promote transparency in nuclear programs; establish use of technology and practices to achieve NACD goals; and build stable professional relationships to increase communication and understanding.

A China Lab-to-Lab program involving Sandia National Laboratories took place in January 1996. Representatives of the Chinese Academy of Engineering and Physics (CAEP) stated that Chinese involvement in arms control had three purposes: to strengthen national defense, reduce the danger of war, and enhance national and international security. The CAEP representatives demonstrated their knowledge and keen interest in the technical side of verification, including data management, technologies associated with the CTBT, and dual-purpose technologies such as electronic borders and border tracking.

U.S. efforts to engage the FSU and China in cooperative programs illustrates a willingness for one party to provide financial support to the other party in bilateral arrangements which support NACD efforts. The U.S. Congress and public have accepted the notion that unofficial, yet authoritative, Lab-to-Lab interactions can be a powerful tool for accomplishing several national security objectives. Because these interactions are not formal arms control negotiations, they hold the promise for rapid progress which can be followed up in more official ways.

Reciprocal Actions and Unilateral Declarations

On 27 September 1991, U.S. President Bush declared that the United States would take a number of initiatives in relation to its inventory of short-range (theater or tactical) nuclear weapons²⁹, its strategic nuclear weapons, non-nuclear ABM systems and early warning, nuclear weapons safety and testing, and other matters, including prompt ratification of START-I. President Gorbachev's response and counterproposals followed on 5 October 1991, and were followed later by proposals put forward by President Yeltsin in early 1992. These Presidential commitments differed from previous arms control procedures in that part of the proposed measures were adopted on a unilateral basis and part by mutual agreement. As a result, instead of complicated negotiations, both countries assumed certain obligations and solved a number of problems in a brief period. Implicit in the measures, of course, was a reliance on unilateral means of verification.

²⁸ Because the program consists of lab-to-lab interactions, it is considered to be an "unofficial, yet authoritative" interaction. This has permitted more open exchanges between scientists and engineers than might be possible in a negotiating environment.

²⁹ Various acronyms have been used to abbreviate this term: TNW and SNF are the most commonly used. The Russians use TNW, and that is used in this paper.

Both countries acted out of their own national security interests, and these interests had much in common. The main reason on the part of the United States was the threat of the loss of control over FSU nuclear weapons, in this case TNW, due to the disintegration of the Soviet Union. The danger of the emergence of a number of new nuclear states on the territory of the FSU was also a great concern to Moscow. For that reason, Gorbachev immediately reacted to the U.S. initiative by assuming obligations in respect to the FSU TNW.³⁰ Through these initiatives, dividing TNW among the former Union republics was avoided, although the actions were not without costs, particularly to the Russians due to lack of policy coordination among several ministries, limitations on storage, space, and transportation facilities, violations of safety rules, and serious financial concerns, including the withdrawal of forces and provisions for military personnel.³¹ Some Russian analysts have proposed formal agreements, including information exchanges, schedules, and U.S. financial support to supplement the unilateral disarmament called for in the initiatives.

The Wassenaar Arrangement

The Wassenaar Arrangement, an agreement to promote transparency and greater responsibility with regard to transfers of conventional arms and dual-use goods and technologies, represents a first approach in the Post-Cold War period to a controversial issue, arms transfers. Unlike COCOM, a regime designed to prevent the spread of dangerous technologies to the Soviet Union and the Eastern Bloc, the Wassenaar regime was set up in cooperation with Russia, updated to fit today's technology, and designed to prevent the spread of dangerous technologies to potential proliferators. In an effort to be inclusive, this Arrangement will not be directed against any state or group of states and will not impede bona fide civil transactions. Nor will it interfere with the rights of states to acquire legitimate means with which to defend themselves pursuant to Article 51 of the Charter of the United Nations. Thus, the Arrangement illustrates that in a different time and context, with the involvement of different interests, and with a reduced threat, the negotiators of an agreement have applied different evaluative criteria to its successor. Economic and domestic interests are more important in the Wassenaar Arrangement than they were in COCOM: Italy, for example, has insisted that revolvers and non-automatic pistols and rifles be exempt from its export controls; and Russia and France have formally expressed reservations about the regime's munitions list, stating that they view it as a "reference list" only.

The Arrangement exemplifies the "building block" approach to arms control: it is a

³⁰ Later Yeltsin made a public statement to the effect that Russia was the only legitimate nuclear successor state to the FSU.

³¹ Russian views on these unilateral commitments are given in more extensive detail by A. Amirov in "Controls on Substrategic Nuclear Weapons," in Russian Arms Control Compliance and Implementation, ed. Alexei G. Arbatov. The Henry L. Stimson Center, January 1995.

practical forum in which to address the dangers of conventional weapons and technology proliferation, and its modest objectives can be expanded over time. The existence of the forum raises questions which each party must answer: should a country develop arms transfers policies separate from policies for maintenance of the defense industrial base? Is a particular sale of arms in the country's national security interests? Does the sale enhance regional and international security?

The Convention on the Use of Certain Conventional Weapons (CCW)

Since its signing in 1980, the CCW has become the focus of international efforts to address the global landmine crisis, although many of the most affected states--the victims of landmines--and those countries who contribute to the problem remain outside of the regime. On 3 May 1996, negotiators at the first CCW review conference approved a revised protocol (Protocol II) that places new limits on the use, production, and transfer of anti-personnel mines. The protocol requires CCW parties to incorporate both self-destruct and self-deactivation features on anti-personnel mines used outside of marked and monitored areas or remotely delivered. States may take up to nine years to convert their stockpiles; however, all anti-personnel landmines produced after 1 January 1997 must contain materials or devices to make them more detectable.

Because of intense opposition from a number of countries including China, Russia, India, and Pakistan, CCW parties did not attempt to negotiate an immediate global ban. This decision has been severely criticized by some analysts, while others have praised the new initiatives as being the best that could be achieved at the time. The debate between these two points of view intensified when the United States announced that, while reaffirming support for the "aggressive" pursuit of an international agreement to ban their use, it would, in any negotiations, reserve the right to continue using anti-personnel mines on the Korean Peninsula until "the risk of aggression" has been removed or an alternative to mines is available.³²

The debate over the outcome of the CCW review conference underlines the fact that there is no agreed-upon criteria, either within the U.S. Government or multilaterally, for evaluating the CCW. The view that a reduction in post-combat civilian casualties associated with landmines and a reduction in land denial caused by landmines are achievable goals is in marked contrast to the requirement that nothing less than all land mines be banned. The sides in this debate remain diametrically opposed, as demonstrated by two recent articles on the subject in the United States. In one, the chief U.S. negotiator at the Review Conference claims that "what was achieved at the conference is, undoubtedly less categorical than a total ban, but, as an interim step toward a global ban, undoubtedly more effective in reducing civilian casualties than a ban that lacked

³² The quotations are taken from a Fact Sheet released by Office of the Press Secretary, The White House, dated 16 May 1996.

essential support.”³³ In the other article, the program director of the Human Rights Watch Arms Project states that “perhaps the most objectionable aspect of the new protocol is that it is in many ways a promotion of the continued use of anti-personnel landmines.”³⁴

Rather than engaging in this rancorous debate, Canada is pursuing a two track action plan: encouraging global adherence to the strengthened Protocol II and coordinating international action to ban anti-personnel mines. On 17 January 1996, Canada declared a comprehensive unilateral moratorium on the production, export, and operational use of anti-personnel mines. It also sponsored a strategy meeting in Ottawa in early September to consider coordinated international action to ban anti-personnel mines.

Of the countries participating in the CCW protocol negotiations, China, although not alone in its opposition, may well be the most reluctant party. China initially resisted proposals for detectability of all anti-personnel mines and strict requirements for self-destruction and self-deactivation features on all anti-personnel mines not kept within marked and monitored areas. It eventually agreed to the technical parameters, but it insisted on a transition period of 25 years. (Russia had insisted on a 15-year period.) Economic motives clearly play a factor: China markets at least four types of anti-personnel mines, and its prices are among the cheapest in the world.

Since 1980, many of the civilian injuries and deaths related to anti-personnel mines have been the product of mines laid by terrorist groups and armed factions involved in civil wars and other internal conflicts. These sub-national entities have depended on large nations, principally Russia and China, for their supply of mines. It is for that reason that the two countries’ ratification of Protocol II is of paramount importance. However, Chinese representatives have been quoted as stating that they would “give up nukes before they’ll give up antipersonnel mines.”³⁵ Russian negotiators have claimed that the only public concern they hear about anti-personnel mines is from mothers anxious that their sons in the Army have the means to defend themselves. India and Pakistan apparently find the mines useful for purposes of border security. Non-signatories to Protocol II include Egypt, Iran, Iraq, North Korea, South Korea, Singapore, and Vietnam. Many states have refused to consider a total ban.

On a more hopeful note, the Organization of American States has recently passed a resolution urging the creation of a landmine-free zone in Latin America. Establishing such a

³³ Michael J. Matheson, “New Landmine Protocol Is Vital Step toward Ban,” Arms Control Today, July 1996, p. 10.

³⁴ Stephen D. Goose, “CCW States Fail to Stem Crisis: U.S. Policy Now an Obstacle,” Arms Control Today, July 1996, p. 17.

³⁵ Quoted by Tony Capaccio in “State Official Outlines China’s Opposition To Landmine Protocol,” Defense Week, 1 July 1996.

zone on a single continent might be an opportunity to test the modalities of a global landmine control agreement, although many would argue that the African continent would be a better candidate for such an agreement. Recently the United Nations Office for Space Affairs held a meeting in Graz, Austria, to examine how space technology could help developing countries solve problems, including locating land mines, through international space programs.

Efforts to establish evaluative criteria for further modifications to the CCW will certainly be on the agenda at the next meeting on landmines. Part of the difficulty in reaching consensus is the ambivalence created when humanitarian concerns are weighed against military, economic, and regional security factors. While every party to the CCW, like every party to any NACD agreement, must answer this question for itself, members of the international community can play a role by promoting global "norms" which apply to all countries; acceptance of these norms could lead to agreements enhancing regional and international security and promoting humanitarian aims.

Regional CBMs and Other Regional Arrangements

Measures in the Korean Peninsula; The Korean Peninsula Energy Development Organization (KEDO)

In February 1992, the Republic of Korea and the Democratic People's Republic of Korea (DPRK) adopted the Agreement on Reconciliation, Non-aggression, and Exchanges and Cooperation and the Joint Declaration of Denuclearization of the Korean Peninsula. However, negotiation on an inspection regime for the Joint Declaration has been deadlocked since December 1992. Progress on activities associated with a Joint Military Commission set up in May 1992 has also been stalled. Efforts to negotiate regional CBMs have thus far been unsuccessful. Kang Choi has argued that--rather than emulation of European CSBMs, which had their origin in the "bi-polar standoff between East and West--CBMs adopted in the Korean Peninsula will need to reflect changing regional structures, disparity of military power between Northeast Asia states, absence of commonly shared fears and threats, and the geographical attributes of Northeast Asia.³⁶

As part of the U.S.-DPRK "Agreed Framework" discussed above, North Korea will receive two light water reactors to be built and largely financed by South Korea to replace the existing nuclear program. KEDO was founded on 9 March 1995 to implement the Framework. The Organization is negotiating the implementing protocols for the Light-Water Reactor Agreement. KEDO's mission is to negotiate with the South Korean Power Company (KEPCO) to build two 1,000 Megawatt reactors in North Korea which can be safely operated by North Koreans who will need to be trained for this task. KEDO also delivers 500,000 metric tons of heavy fuel oil every year to North Korea which fulfills twenty percent of the country's fuel needs.

³⁶ "The Prospect of CBMs in Northeast Asia: A South Korean View," in The Korea/Canada North Pacific Arms Control Workshop, 1955 Proceedings, May 1996, pp. 31, 34.

KEDO is supported by South Korea, Japan, and the United States because, in those countries' view, it contributes to their own national security and to regional, and international security. In the case of South Korea, the financial commitment is quite substantial. Many have noted that South Korea's reasons for this commitment include not only the goal of nonproliferation, but also the criterion of national security. In the view of South Korea, KEDO is a mechanism through which it can begin to have a dialogue with North Korea. Indeed, at the present time, KEDO is the only channel through which the two countries can talk to one another. Through this mechanism, South Korea can extend the dialogue to address related issues such as transportation routes into North Korea in order to bring in people and materials.

From all accounts, the DPRK is cooperating and fulfilling its terms of the agreement, however slowly. Many attribute this cooperation to the desperate economic situation in which North Korea finds itself, rather than to a recognition that nuclear proliferation is considered a violation of international norms by the global community.

The Shanghai Agreement

Another hopeful sign, and a building block approach to regional arms control, is an agreement signed in April 1996 between the Russian Federation, the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, and the People's Republic of China. The CBMs in the Agreement are intended to strengthen national and regional security and to maintain stability in the border area between Russia, Kazakhstan, Kyrgyzstan, Tajikistan, on one side, and China on the other. The measures include: information exchanges, prohibitions and/or restrictions on the conduct, scale, geographical limits, and the number of troop exercises and activities, notification of certain military activities and troop movements, and invitational observations of troop exercises on a mutual basis. Other measures provide for inquiries concerning ambiguous situations and opportunities for "friendly contacts" between military and border personnel.

The CBMs are quite remarkable in that in the FSU and China, "transparency" is a foreign ("Western") concept, only recently understood and slowly accepted. Timely and full implementation of these measures will certainly contribute to the maintenance of peace and stability in the Asian-Pacific region.

South Asian CBMs

An Indian-Pakistani Agreement, "Prohibition of Attack on Nuclear Installations and Facilities," was signed in December 1988; instruments of ratification of this Agreement were exchanged in January 1991, and on 1 January 1992, India and Pakistan exchanged the lists of nuclear installations covered under the Agreement. In July 1990, India also proposed a package of political, communication, and technical confidence-building measures (CBMs) to Pakistan in an effort to improve their bilateral relationship and to prevent the escalation of tensions.

The proposed CBMs provided for information-sharing on military exercises, improving communications among military commanders, joint border patrolling, exchanges of delegations of armed forces; at the political level, the CBMs included reiteration of India's intent to settle disputes through peaceful means and bilateral negotiations, ceasing hostile propaganda, respecting the Line of Control, refraining from acts detrimental to maintenance of peaceful harmonious relations, and non-interference in each other's internal affairs. Since that time, the two countries have signed Agreements entitled, "Advance Notice on Military Exercises, Manoeuvres and Troop Movements," and "Prevention of Air Space Violations and Permitting Overflights and Landings by Military Aircraft"; they have agreed to a "Joint Declaration on Prohibition of Chemical Weapons," which would ban the use, production, and stockpiling of chemical weapons or assisting others to acquire a similar capability; they have established a communication channel ("hotline") between the Directors General for Military Operations; and they have agreed to exchange military visitors.

While other proposals have also been discussed, implementation of the agreed measures has not matched the speed of negotiation of agreements. As Rakesh Sood has pointed out, "while India would have preferred a speedier implementation of these CBMs with a view to building upon them, it is clear that by their very nature, the pace of CBMs cannot be forced and must reflect genuine political will on the part of the states concerned."³⁷

Relations between India and China have slowly improved following a goodwill visit to China paid by then Prime Minister Rajiv Gandhi in 1988. Under an "Agreement on Peace and Tranquility along the Line of Actual Control in the India-China Border Areas" signed in September 1993, the countries have agreed to negotiate a series of CBMs, including possible reductions of military forces deployed along the border. Other CBMs agreed upon include meetings of military personnel, development of communication links, and prior notification regarding military exercises. Implementation of these measures has also been slow.

Whether these efforts at cooperative measures will be impacted by India's stance on the CTBT is unknown. Certainly India's election not to give up its nuclear option will not build confidence among its neighbors.

SSOD IV, Peace Operations, and other U.N.-Related Measures

SSOD IV

United Nations General Assembly Resolution 50/70 F called for the convening of the Fourth Special Session of the General Assembly devoted to Disarmament (SSOD IV) in 1997, if possible. In April, the Non-Aligned Movement expressed its views on the objectives of SSOD

³⁷ Rakesh Sood, "Confidence Building Measures between India and Her Neighbors," a white paper dated 29 December 1994.

IV.³⁸ Incorporated in this commentary are a number of substantive issues which further the cause of “general and complete disarmament.” Many of the items are to be expected, for example, completion of the CTBT, implementation and adherence to the CWC, enhancement of the effectiveness of the BWC, transparency in the transfer of conventional arms, consideration of the role of CBMs in promoting disarmament objectives, and the role of the United Nations in the field of disarmament. Other ambitious items have not found their way onto the arms control agendas of the NWS, for example, a Convention on the Prohibition of the Use or Threat of Use of Nuclear Weapons, the impact on the global environment and security by nuclear weapons and nuclear submarines and/or ships, a phased program for the reduction of nuclear weapons stockpiles within an agreed time-frame, and guidelines for promotion of transfer of nuclear and sensitive technology for peaceful purposes.

An interesting item, “Relationship between Disarmament and Development,” links the evaluative criteria of enhanced national security and economic well-being. Formulation of agreements or measures in this area would be particularly useful in curbing proliferation of weapons--whether WMD, conventional, or “small”--and weapon delivery systems.

The U.N. Plan for 1998-2001 in the Area of Disarmament

U.N.-proposed objectives listed for the area of disarmament include recognition of the problems related to “conventional weapons, especially the proliferation of small arms, including anti-personnel landmines, and illicit trafficking in nuclear materials.”³⁹ Also singled out for the attention are “post-disarmament problems.” The items listed could serve as a partial list of evaluative criteria in looking at the consequences of agreements and measures which lead to disarmament: the economic and social consequences of disarmament, environmental damage, and conversion. It can be argued that these items reflect more of the views and concerns of the LDCs than of the major powers.

U.N. Peace Operations

Somalia

Many observers of U.N. peace operations have emphasized the necessity for those participating in a peace operation to clearly articulate the objectives of the mission. Equally important is the development of evaluative criteria by which to judge the operation during the mission and upon its completion.

Evaluating the U.N. accomplishments in Somalia is complicated by the fact that the

³⁸ “Non-Aligned Movement’s Views on SSOD IV.” Non-Paper dated 26 April 1996

³⁹ Proposed Medium-Term Plan for the Period 1998-2001.” Programme 1. Political Affairs. A/51/6 dated 8 May 1996, para 1.13.

operation included UNOSOM I, UNITAF, and UNOSOM II which, in turn, had two phases. It can be argued that UNOSOM I collapsed under the weight of bureaucratic infighting and logistical problems. UNITAF, on the other hand, can be judged as a "success" if the evaluative criteria are: securement of a safe environment in which to provide humanitarian relief; demonstrable efforts toward a locally-led political process; removal of heavy weapons from areas of conflict; and the fostering of the restoration of police and government functions. UNOSOM II is the operation most often described as a "failure," in part because the "nation-building" mandate was impossible to achieve and was followed by the necessity to extricate U.N. peacekeepers under the protection of U.S. military forces. The adoption of Security Council Resolution 814 which authorized an ambitious peace enforcement mission extending beyond the famine-afflicted areas set the stage for confusion caused by the pullout of the entire field leadership and many U.S. combat units associated with UNITAF, a collapse of political will, and U.S. combat casualties during a Mogadishu firefight.

Among the questions which might have been posed before UNOSOM II was authorized, and before another such operation is mounted, are these: what would be needed to implement a nation-building mandate? will peacekeepers be exposed to severe risk? will the efforts to extricate the peacekeepers reflect upon the good name and reputation of the United Nations in a seriously negative way? can the U.N. headquarters manage and control military operations? which leading U.N. Member States are willing to "back" the operation and to what extent will they "backstop" the mission during the period of its operation?

The most obvious, yet key question is: what is the purpose of the operation, and can that purpose be articulated clearly enough to gain public support? In the case of Somalia, the public was totally confused: was this a humanitarian mission (which, thanks to televised pictures of starving children, was widely supported), a manhunt for a warlord (which raised the specter of military casualties to a casualty-adverse public), or a nation-building program (which struck many as an overly ambitious task in a remote area of the world). Canada and the United States have both developed sets of evaluative criteria for their participation in peace operations.

Bosnia

By mid-1995, the U.N. Protection Force (UNPROFOR) responsible for conducting humanitarian relief and policing local cease-fire agreements, had neither the authority nor the resources to mount an effective defense against the increasingly-brutal Serb attacks on U.N.-declared "safe areas." Some of the lessons of Somalia were incorporated into the commitment of a robust NATO force structure, the Peace Implementation Force (IFOR) under NATO command and control to Bosnia following signature on 14 December 1995 of the Dayton Peace Agreement.⁴⁰

⁴⁰ IFOR "transfer of authority" from the United Nations took place on 20 December 1995. IFOR operations are covered under Annex 1A of the Agreement, "Military Aspects." The Parties to the Agreement are obligated to welcome IFOR for about one year; they also pledged

IFOR was given the authority to implement the Dayton Accord's military provisions and to help create secure conditions for civilian-led activities. Within the first mandate, IFOR has functioned effectively thus far; it is the second area which holds both greater potential for impact and greater controversy because of the potential for generating tensions among the major national constituencies and triggering charges, also leveled in Somalia, of "mission creep."⁴¹

NATO's participation in IFOR has been clearly linked to containing and resolving a European conflict which threatens regional and international security. IFOR's mission has been defined as peace enforcement, not peacekeeping. The military tasks associated with IFOR have been spelled out succinctly: cessation of hostilities, separation of forces, transfer of areas, and curbing of a pattern of violence. Thus far IFOR has assured disengagement and demobilization of the warring armies. A program to equip and train the Bosnian army has begun. Throughout Bosnia, mines are being cleared, schools are being reopened, economic activity is returning, and families are being reunited. Although the pace may not be rapid enough to suit those who have suffered through the war, progress is undeniable.

While IFOR was established to enforce a peace, the Organization for Security and Cooperation in Europe (OSCE) was given the mission of supervising a long-ranging normalization and democratization program, including the conduct and supervision of elections, the monitoring of human rights issues, and assistance in regional stabilization. As a result of Annex I-B of the Dayton Accord, negotiations under the OSCE resulted in the Article II CSBM Agreement. On 26 January 1996, the Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska reached that agreement, a major step toward military stabilization in Bosnia.

Article II of the Bosnian CSBM Agreement, which is of unlimited duration, is based on the 1992 Vienna Document on CSBMs which was updated in 1994. Like the Vienna Document, the CSBM Agreement contains provisions for the exchange of military information, including plans for the deployment of major weapon and equipment systems, the identification and monitoring of weapons manufacturing capabilities, the establishment of military liaison missions, and an ambitious program of military contacts and cooperation. In addition, it contains a number of measures which fall outside the traditional agenda of CSBMs, including, *inter alia*, specific and extensive restrictions on military deployments in certain areas, on the reintroduction of foreign forces, and on the withdrawal of forces and heavy weapons to cantonments. Many analysts have suggested that in this regard, OSCE is venturing into unknown waters.

full compliance with the Annex which, *inter alia*, calls for cessation of hostilities, withdrawal of foreign forces, and redeployment of forces in timed phases.

⁴¹ "Mission creep" has become the term *du jour* among politicians opposed to their country's participation in U.N. peace operations. Nevertheless, it would be fair to say that part of the problem in Somalia was caused by the "mission creep" associated with UNSCR 814.

The Bosnia CSBM Agreement is unique in that it is the first agreement of this type to be initiated in the presence of a huge multinational peace enforcement operation. Already some problem areas have been identified related to language of the text, verification of its provisions, and effective implementation, including compliance with the provisions. For example, while the CSBM Agreement covers certain types of weapons systems, such as anti-aircraft guns of specified caliber, there is no requirement to report or inspect them. It is also difficult to determine whether or not inspected units are in compliance with the Article II Agreement because of the difficulty in matching exchanged data with equipment on the ground; in some cases, this is because there was no provision to exchange data after heavy weapons had been moved into cantonments and barracks.

The OSCE is responsible for implementation of the extensive verification provisions of the agreement, but it has little leverage with which to ensure compliance. Signatory parties had insufficient time to prepare themselves for implementation or to train arms control inspectors prior to the beginning of the inspection schedules. Because the OSCE had no infrastructure to organize missions in the field, everything associated with the inspections has been done on an ad hoc basis.

On 30 January 1996, in compliance with Article IV of Annex I-B, the relevant parties (those listed above plus Croatia and Serbia) exchanged information on five categories of military equipment--battle tanks, armored combat vehicles (ACVs), artillery pieces of a specified caliber, attack helicopters, and combat aircraft. Article IV, which is modeled upon the CFE Treaty, calls for a four-month baseline validation period (1 July-1 November 1996), a sixteen-month reduction period (1 July 1996-1 November 1997), and subsequently a ceiling for military personnel and equipment holdings in the five categories listed above. According to some observers, the information provided by four of the five parties was acceptable, that is, within the expectations of Western intelligence. Information provided by the fifth party, Serbia, was unacceptable. Given that an effective agreement along the model of the CFE requires a high degree of transparency, it can only be hoped that Serbia will be encouraged to comply by Russia and other interested countries.

The Bosnia and Somalia operations raised questions in the United States centered around the evaluative criterion of national security interests. In a provocative article, Edward Luttwak has argued that while the criterion of "vital" interests is often cited during arguments for and against U.S. participation in U.N. peace operations, it is not the decisive consideration; rather projected casualties dominates U.S. policy decision-making. He believes that senior military officers were willing to send troops to Somalia in late 1992 because they believed that no casualties would ensue from a humanitarian mission, while, at the same time, they successfully resisted the use of force in the former Yugoslavia, citing lack of vital interests as the reason when in fact they feared there would be fighting and casualties. "As always, talk of U.S. interests, present or absent, vital or not, was merely part of the rhetorical carapace of policy decisions

driven by more compelling motives.”⁴²

CBMs in the Middle East

During the Middle East Peace Process, Canada tabled a paper on the subject of naval CBMs.⁴³ The paper examined theoretical and practical aspects of select naval CBMs within the MEPP. Specifically, it looked at the feasibility of introducing a structure of “Incidents at Sea” agreements between various Middle East countries and of establishing a coordination organization to facilitate non-political activities at sea such as search and rescue.

As the paper notes, naval CBMs are a relatively new and largely untried means of reducing tension between the naval forces of states, and therefore there are few case studies upon which to build a convincing argument for either probable success or failure of specific measures.⁴⁴ However, many of the evaluative criteria listed in Chapter III could be applied to these CBMs. For example, such measures should bound or minimize the threats, reduce suffering or death of military personnel or civilians, and be adequately verifiable. The exchanges among naval staff associated with implementing the CBMs should provide a forum for communication. The CBMs should not create a false sense of security, they would provide building blocks for follow-on, more comprehensive agreements, and they would unquestionably increase transparency, enhance security, and contribute to regional stability.

In terms of the Middle East Peace Process generally, while some have characterized the current situation as a failure, it might more accurately be described as a lull. The change of government in Israel and the uncertainty it has engendered are at the core of the many breakdowns in the talks. However recent meetings between Prime Minister Netanyahu and Palestinian Leader Yasser Arafat have set the stage for renewed negotiations with the Palestine National Authority on the redeployment of Israeli troops from Hebron and other issues.

Some positive developments have already occurred. Israel has agreed to partially ease the closure of the West Bank and Gaza by allowing 50,000 Palestinians to enter Israel to work and to participate in the formation of a joint Israeli-Palestinian monitoring group to oversee the

⁴² Edward N. Luttwak, “A Post-Heroic Military Policy,” *Foreign Affairs*, July/August 1996, p. 40.

⁴³ “Naval Confidence Building Measures in a Regional Context: Prospects for the Middle East,” a paper commissioned for consideration of the Arms Control and Regional Security Working Group. The paper was prepared by The Centre for Foreign Policy Studies at Dalhousie University. [no authors listed] November 1993.

⁴⁴ The paper notes that many Middle East states have ratified the 1948 Convention on the International Maritime Organization, the 1974 International Convention for the Safety of Life at Sea, and the 1972 Convention on the International Regulations for Preventing Collisions at Sea.

compliance of both parties with their agreements.

On the other hand, the Israeli-Syrian track is not running smoothly. Syria has deployed a special forces division to the line of confrontation on the Golan Heights, and both countries conducted missile tests late last month.⁴⁵ Despite these developments and continued strident rhetoric on both sides, Israel and Syria have privately expressed a desire to resume discussions. Until the discussions resume, the Lebanese government, following Syria's lead, can be expected to be disinclined to re-engage the Israelis. This deadlock will necessarily impact Arab-Israeli normalization and rapprochement on other fronts.⁴⁶

There is some reason to be optimistic about the prospect for resumed progress in the peace process. Netanyahu may be unwilling to negotiate on the status of Jerusalem, but he is more willing than other members of his party to take concrete steps to move the process along, albeit incrementally, on all tracks. He may be amenable to a compromise with the Syrians on the Golan Heights. That said, Netanyahu is constrained by his own political constituency and will continue to face challenges from members of his own cabinet, some of whom are skeptical, if not outright hostile, to the "land for peace" formula embraced by the previous government. At this time, it is premature to dismiss the potential for meaningful compromise between the Arabs and a Likud government.

In evaluating agreements associated with the MEPP, a variety of criteria could be applied.⁴⁷ These criteria begin with two basic criteria which cut across most NACD-related agreements--security interests and verifiability--then continue with more MEPP-specific criteria. The criteria may be derived through the following questions: Does the agreement address or allay specific national, regional, and international security related concerns? Is the agreement verifiable? Is cooperative monitoring possible? (Cooperative monitoring structures and verification, including third party verification, have been critical in Sinai agreements between Egypt and Israel.) Does the agreement meet and equitably address the resource needs of the countries involved? How beneficial is the agreement to a country's economic development? (Is there a promised of increased financial aid?) Will the agreement "wash" with the leadership's political constituents? (Is it too conciliatory?) Does the agreement reflect the philosophy, psyche, and values of the country's leadership? How susceptible is a state to retribution from a more powerful neighbor if it signs the agreement?

⁴⁵ Syria tested the Scud-C and Israel tested the Arrow anti-missile defense system.

⁴⁶ Qatar has decided to suspend plans to build a natural gas pipeline to Israel.

⁴⁷ These criteria might be applied not only to the parties in the Arab-Israeli peace process, but to countries on the "periphery" involved in disputes unrelated to the core Arab-Israeli conflict, for example, the longstanding maritime territorial dispute between Qatar and Bahrain which was referred approximately one year ago to the International Court of Justice.

V.

Conclusion

As Chapter IV demonstrates, when policy-makers apply evaluative criteria to an agreement or measure, they must recognize that there will be conflicting views and interpretational debates among those using the same criteria. For example, an agreement may be in the country's national security interests even though it may not be totally verifiable, may pose a burden on private industry, and may be costly to implement.⁴⁸ Thus, in applying the criteria, a country must establish a relative priority order of the criteria to be applied for each agreement. Otherwise opposing elements within and outside the government will selectively apply the criteria in order to support their position on the agreement.

This prioritizing of the criteria will help determine the key question: "is our country better off with the agreement than without it?" Also, by prioritizing the criteria for each agreement, it will be possible to identify conflicting priority ratings between separate agreements and even possible conflicts between the agreements themselves. Early identification of the real and potential problems will help a country pursue its overall NACD goals and objectives.

The fundamental principles of national, regional, and international security must be the basis for NACD agreements in measures. However, there may be conflicts between protecting or enhancing a country's national security and achieving regional and international security.⁴⁹ On occasion, it may be necessary for a country to take some national security risks in order to achieve enhanced regional or international stability and security on the grounds that in the long run there will be a net benefit to the country, the region, and the world. Analysis of regional stability and security should include consideration of humanitarian and environmental aspects, such as the welfare of civilians, leading to the acceptance of certain limitations on military activities because they harm civilians.⁵⁰ In some cases, it may be necessary for a country to provide financial support for the implementation of an agreement or measure to other parties, thereby incurring economic costs, but also enhancing national and international security.⁵¹

In connection with the foregoing points, personnel responsible for NACD should consider utilizing a matrix for deriving and applying the priorities of the evaluative criteria for each

⁴⁸ Some would argue that the Chemical Weapons Convention is an example of such an agreement.

⁴⁹ India's position on the CTBT might be cited as an example.

⁵⁰ Hence, support of the CCW can be argued on grounds of enhanced regional stability.

⁵¹ The U.S. CTR and Cooperative Measures Programs operate on this assumption. In addition, South Korea's financial support of KEDO springs from taking this assumption into account.

potential or proposed agreement or measure. Such a matrix would have the criteria on one azimuth and the various agreements or measures on the other. Such a display would facilitate establishing priorities of the criteria for each agreement, reveal possible inconsistencies in applying the criteria to different agreements, and help identify possible conflicts among the agreements themselves. In addition, it would be informative and helpful to those formulating, negotiating, and implementing NACD policies, agreements, and measures to have responsible NACD and intelligence personnel complete these matrices as they believe each party to the agreement would apply the criteria. Although such an activity would be time-consuming and the product could not possibly be completely accurate, it would assist in the identification of the visible and hidden concerns of the other parties which must be taken into account in the NACD process if it is to be successful.

In an ideal world, parties to a negotiation would agree upon what evaluative criteria should be used. It is true that preambles to many agreements set forth objectives, and some stipulate criteria for evaluating the agreement. In reality, however, the best which can be hoped may be that while the parties have different criteria, or different priority orders of such criteria, the criteria are not mutually contradictory. Ultimately, all parties to an agreement or measure, using their own evaluative criteria, must reach the conclusion that they will be better off with the agreement than without it.

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